PA 21-1, June 2021 Special Session—SB 1201
Emergency Certification

AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS

TABLE OF CONTENTS:

for these purchasers to update their records after receiving information on certain records' erasure

§ 11 — LEGAL PROTECTIONS FOR ESTABLISHMENTS, EMPLOYEES, AND BACKERS

Provides legal protections for cannabis establishments, and their employees and backers, who comply with the act's requirements

§ 12 — PROFESSIONAL LICENSING DENIALS

Limits when the state can deny a professional license because of certain cannabis-related activity

§§ 13, 15 & 155-158 — PENALTIES FOR ILLEGALLY SELLING CANNABIS

Lowers the penalties for (1) illegally selling cannabis and related actions and (2) before July 1, 2023, growing up to six cannabis plants at home for personal use

§ 14 — CANNABIS GIFTS

Allows consumers to give cannabis to other consumers for free, within the act's possession limit

§ 16 — PAROLE, SPECIAL PAROLE, OR PROBATION

Limits when cannabis possession or use can be grounds to revoke parole, special parole, or probation

§ 17 — CONDITIONS OF RELEASE

Limits when bail commissioners or IAR specialists may prohibit someone, as a condition of release, from the lawful use of intoxicating substances

§ 18 — SEARCHES AND MOTOR VEHICLE STOPS

Limits when cannabis odor or possession can justify a search or motor vehicle stop

§ 19 — BOARD OF EDUCATION POLICIES AND PROCEDURES

Prohibits school board disciplinary policies and procedures from setting stricter penalties for violations involving cannabis than for those involving alcohol

§ 20 — DOMESTICATED ANIMALS

Establishes penalties for feeding cannabis to domesticated animals

§ 21 — GENERAL RESTRICTIONS ON CANNABIS SALES AND DELIVERIES

Restricts who may sell or deliver cannabis to (1) consumers and (2) qualifying medical marijuana patients and their caregivers

§ 22 — SOCIAL EQUITY COUNCIL

Establishes a Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition

§ 23 — CANNABIS ARREST AND CONVICTION DATA

Requires the Social Equity Council to report on cannabis arrest and conviction data

§ 24 — AGE REQUIREMENTS

Requires individuals to be at least (1) age 21 to hold any cannabis establishment license or be a backer or key employee and (2) age 18 to be employed by a cannabis establishment or medical marijuana licensee

§ 24 — REGISTRATION OR LICENSE REQUIRED

Generally requires all cannabis establishment employees, key employees, and backers to obtain a DCP registration or license, as applicable

§ 25 — ADVERSE ACTION DUE TO FEDERAL LAW PROHIBITED

Generally prohibits agencies or political subdivisions of the state from relying on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person unless federal law requires it; prohibits law enforcement officers from assisting a federal operation if the activity complies with the act's provisions; specifies that it is Connecticut's public policy that contracts related to operating cannabis establishments are enforceable

§ 26 — MEDICAL MARIJUANA PRODUCER EXPANDED ACTIVITIES

Allows medical marijuana producers, with DCP's authorization, to expand their license so that they may engage in certain recreational cannabis-related activities; requires producers, among other things, to either contribute $500,000 to the Social Equity Council or provide a social equity partner with at least 5% of its expanded grow space for a new social equity business

§§ 27 & 145 — EQUITY JOINT VENTURES

Requires producers and dispensaries to create equity joint ventures in order to pay a lower license expansion authorization fee or hybrid retailer conversion fee; sets minimum ownership, application, and license requirements; prohibits certain ownership changes in an equity joint venture's first seven years; and limits where certain ventures may be located

§ 28 — PAYMENT FOR PROMOTION AND EXCLUSIVE CONTRACTS PROHIBITED

Prohibits retailers from (1) accepting compensation from certain entities to place or promote their product or (2) entering into exclusive contracts

§ 28 — SALES OF CANNABIS INTENDED FOR ANIMAL USE PROHIBITED

Prohibits cannabis establishments from preparing or selling cannabis intended for animal use

§ 28 — TRANSACTION LIMITS FOR CANNABIS

Limits the amount a customer may buy to one ounce per day; sets the limit at five ounces per day for a qualifying patient or caregiver; allows the DCP commissioner to set lower limits

§ 28 — CANNABIS ESTABLISHMENTS PROHIBITED FROM HAVING LIVE CANNABIS PLANTS

Generally prohibits cannabis establishments from having live plants unrelated to their licensed operations

§ 28 — CREDENTIAL ASSIGNMENT PROHIBITED

Generally prohibits the assignment or transfer of a cannabis credential or obtaining or moving cannabis from outside Connecticut if it violates federal law

§ 29 — REGISTRATION OR LICENSE REQUIRED

Requires (1) cannabis establishment, laboratory, and research program employees to be registered and (2) backers or key employees to be licensed; specifies certain crimes that disqualify prospective licensees; requires certain licensees to notify DCP within 48 hours after an arrest or conviction for certain offenses

§§ 30 & 31 — CRIMINAL HISTORY CHECKS

Requires all individuals listed on an application to submit to criminal history checks before getting their license; allows DCP to require criminal history checks for license renewals

§ 32 — IMPLEMENTING REGULATIONS AND POLICIES AND PROCEDURES

Requires the DCP commissioner to adopt regulations, policies, and procedures on various cannabis issues (e.g., appropriate serving size limits, labeling and packaging, consumer health materials, laboratory standards, certain prohibitions for minors, certain supply requirements, and product registration)

§ 33 — CERTAIN ADVERTISEMENTS PROHIBITED

Prohibits cannabis establishments and anyone advertising cannabis products or services from advertising in certain ways (e.g., targeting those under age 21, representing that cannabis has therapeutic effects, sponsoring certain events, and advertising near elementary or secondary schools); requires a warning regarding under age 21 cannabis use; deems violations CUTPA violations

§ 33 — BRAND NAME REGISTRATION PROHIBITED

Prohibits DCP from registering certain cannabis brand names if they are similar to existing or unlawful products or previously approved cannabis brands

§ 34 — LICENSE APPLICATION AND FEES

Establishes when DCP can accept license applications; sets license fees, which are generally reduced 50% for social equity applicants

§ 35 — LICENSE APPLICATION PROCESS, LOTTERY, PROVISIONAL LICENSES, AND FINAL LICENSE

Requires DCP to determine the maximum number of licenses, with 50% reserved for social equity applicants; sets procedures for a license lottery, which must be conducted by a third-party lottery operator; requires the Social Equity Council to confirm applicants qualify as social equity applicants and DCP and the council to review applications for disqualifying conditions; requires DCP to issue provisional and final licenses

§ 36 — CHANGE IN OWNERSHIP REGULATIONS

Requires the Social Equity Council to adopt regulations and policies and procedures to prevent changes of social equity ownership within three years of license issuance

§ 37 — GROW SPACE REGULATIONS

Requires DCP to adopt policies, procedures, and regulations to establish the maximum grow space a cultivator or micro-cultivator may use

§ 38 — CANNABIS BUSINESS ACCELERATOR PROGRAM

Requires the Social Equity Council to develop a cannabis business accelerator program to provide technical assistance to accelerator participants

§ 39 — WORKFORCE TRAINING PROGRAM

Requires the Social Equity Council to develop a workforce training program

§ 40 — LICENSE AND OWNERSHIP LIMIT

Limits certain individuals to holding or backing two licenses until June 30, 2025

§§ 41-49 — DCP ISSUED CANNABIS LICENSES

Starting July 1, 2021, allows DCP to administer cannabis licenses for retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, product packagers, delivery services or transporter, cultivators, and micro-cultivators; prohibits anyone from acting or representing themselves as one of these licensees without obtaining a license; establishes licensure requirements; allows dispensaries to convert to hybrid retailers and vice versa

§ 50 — RELOCATION FOR DISPENSARY OR HYBRID RETAILER

Temporarily allows DCP to deny a change of location for a dispensary facility or hybrid retailer because of patient needs and prohibits the department from approving a relocation that is further than 10 miles from the current location

§ 51 — CONFLICT OF INTEREST AND REVOLVING DOOR PROVISION

Prohibits (1) DCP employees who carry out certain functions and Social Equity Council members and employees from having management or financial interests in the cannabis industry and (2) former council members and employees, former DCP employees, General Assembly members, and statewide elected public officials from being eligible for a cannabis establishment license for two years after leaving state service

§ 52 — PROTECTION FOR CANNABIS EMPLOYEES

Protects cannabis establishments and their employees from seizures and forfeitures due to cannabis activities related to their jobs

§ 53 — DISPLAY PROHIBITIONS

Prohibits cannabis establishments from displaying cannabis that is visible to the general public from a public road or on DEEP-managed property

§ 54 — CANNABIS ESTABLISHMENT POLICIES AND PROCEDURES

Requires each cannabis establishment to establish, maintain, and comply with written policies and procedures on, among other things, handling recalls and crises, ensuring adulterated cannabis is destroyed, and ensuring the oldest cannabis is sold first

§ 55 — ALLOWABLE PURCHASES BY MEDICAL MARIJUANA PATIENTS AND CAREGIVERS

Allows qualifying patients and caregivers to purchase cannabis with higher potency and larger per-transaction or per-day amounts, as the commissioner determines

§ 56 — RECORDKEEPING AND ELECTRONIC TRACKING SYSTEM

Requires each cannabis establishment to maintain specified records through an electronic tracking system and establishes narrow conditions under which the records may be released

§ 57 — FINANCIAL RECORDKEEPING AND DCP ENFORCEMENT

Requires cannabis establishments to maintain records of their business transactions for the current tax year and the three prior years in an auditable format; gives the DCP commissioner certain powers to supervise and enforce the act's provisions; exempts certain information from FOIA disclosure (e.g., security plans)

§ 58 — DCP DISCIPLINARY ACTIONS

Allows the DCP commissioner, for sufficient cause, to take certain disciplinary actions, including suspending or revoking a credential or issuing fines; generally exempts information from DCP inspections and investigations from FOIA disclosure

§ 59 — DCP REGULATIONS, POLICIES, AND PROCEDURES

Allows the DCP commissioner to adopt (1) implementing regulations and (2) policies and procedures before adopting regulations

§ 60 — DCP RECOMMENDATIONS ON ON-SITE CONSUMPTION AND EVENTS

Requires DCP to make written recommendations to the governor and the legislature on whether to allow on-site consumption or events that allow cannabis usage

§ 61 — MATERIAL CHANGE

Requires anyone who enters into a transaction that results in a material change to a cannabis establishment to file a written notice with the attorney general and serve a waiting period

§ 62 — ELECTRICITY USAGE REPORT AND RENEWABLE ENERGY

Requires a cannabis establishment to annually report its electricity usage and purchase renewable energy to the extent possible

§ 63 — DEPARTMENT OF BANKING REPORTING REQUIREMENT

Requires the banking commissioner to report legislative recommendations to the governor and legislature on cannabis establishments' use of electronic payments and access to banking institutions

§ 64 — INSURANCE REPORT

Requires the Insurance Commissioner to report to the governor and Insurance and Real Estate Committee on cannabis establishments' access to insurance

§ 65 — ALCOHOL AND DRUG POLICY COUNCIL REPORT

Requires the Alcohol and Drug Policy Council to make recommendations to the governor and legislature on (1) efforts to promote certain cannabis-related public health initiatives and (2) data collection for certain reviews

§§ 66-71 & 77 — MEDICAL MARIJUANA PATIENTS, CAREGIVERS, AND HEALTH CARE PROVIDERS

Allows medical marijuana patients age 18 or older to grow cannabis plants in their homes under specified conditions; allows patients and caregivers to possess up to five ounces of marijuana; eliminates the requirement for patients to select a dispensary; eliminates the requirement that caregivers only obtain marijuana from dispensaries; broadens conflict of interest restrictions on physicians or APRNs who certify patients for medical marijuana

§§ 66, 72, 73 & 82 — DISPENSARY FACILITIES

Makes various minor, technical, and conforming changes transferring many of prior law's requirements for a licensed dispensary to a dispensary facility; expands the types of entities from whom a dispensary facility may acquire marijuana; requires a dispensary facility or hybrid retailer employee to transmit dispensing information in real-time or within one hour

§§ 66 & 76 — MEDICAL MARIJUANA QUALIFYING CONDITIONS AND BOARD OF PHYSICIANS

Allows the DCP commissioner to add to the list of qualifying medical marijuana conditions without adopting regulations; specifies that she has the discretion to accept or reject the physician board's recommendations; eliminates the requirement for the board to hold hearings at least twice a year

§§ 66, 78 & 80 — LABORATORIES

Specifies that a laboratory analyzing marijuana must have a specific license to do so, separate from the general licensure for controlled substances laboratories and limits them to analyzing marijuana; requires marijuana laboratories to (1) be independent from all parties involved in the marijuana industry and (2) maintain all minimum security and safeguard requirements for storing and handling controlled substances

§§ 66, 79 & 81 — MEDICAL MARIJUANA RESEARCH PROGRAMS

Expands the list of entities that may oversee or administer medical marijuana research programs; expands the list of entities from whom these programs may acquire marijuana, or to whom they may deliver it; requires research program employees to be registered rather than licensed

§ 74 — PRODUCERS

Expands the entities a producer or its employee may sell to and immunizes them when acting within the scope of employment

§ 75 — DEPARTMENT OF CONSUMER PROTECTION (DCP) MEDICAL MARIJUANA REGULATIONS

Requires the DCP commissioner to adopt or amend regulations, as applicable, to implement the act's changes to the medical marijuana laws and requires her to adopt policies and procedures before the regulations are finalized

§§ 83 & 84 — MUNICIPAL AUTHORITY

Addresses various issues on municipalities' authority to regulate cannabis, such as (1) requiring them, upon petition of 10% of their voters, to hold a local referendum on whether to allow the recreational sale of marijuana; (2) barring them from prohibiting the delivery of cannabis by authorized persons; (3) allowing them to charge retailers for certain initial public safety expenses; and (4) allowing them to prohibit cannabis smoking in outdoor sections of restaurants

§§ 85, 161, 166, 169 & 171-172 — PRETRIAL DRUG INTERVENTION AND COMMUNITY SERVICE PROGRAM

Sunsets an existing pretrial program but establishes a similar program for people charged with drug possession and paraphernalia crimes

§§ 85, 161, 167, 168 & 170-172 — PRETRIAL IMPAIRED DRIVING INTERVENTION PROGRAM

Sunsets an existing pretrial program, but establishes a similar program for people charged with DUI or impaired boating

§§ 86 & 87 — CLEAN INDOOR AIR ACT

Extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems (ECDS); expands the locations where the prohibition applies; extends existing signage requirements and penalties for smoking and e-cigarette use to smoking cannabis and hemp and using ECDS

§ 88 — WORKPLACE SMOKING BAN

Generally bans smoking (whether tobacco, cannabis, or hemp) and e-cigarette use in workplaces, regardless of the number of employees

§ 89 — HOTELS AND CANNABIS

Requires hotels and motels to ban the smoking or vaping of cannabis, but otherwise prohibits them from banning its use or possession in non-public areas

§ 90 — TENANTS AND CANNABIS

Restricts when landlords and property managers can refuse to rent to an individual due to convictions, or take certain other actions, related to cannabis

§ 91 — CANNABIS USE BANNED ON STATE LANDS OR WATERS

Establishes penalties for using cannabis on state lands or waters managed by DEEP

§ 92 — DEPARTMENT OF CORRECTION AUTHORITY TO BAN CANNABIS

Authorizes DOC to ban cannabis possession in DOC facilities or halfway houses

§ 93 — POSITIVE DRUG TEST

Prohibits a positive drug test result that solely indicates a specified metabolite of THC from being proof that an individual is impaired by cannabis without other additional evidence

§ 94 — MEDICAL PATIENTS, PARENTS, AND PREGNANT WOMEN

Provides certain protections for medical patients, parents, and pregnant women if cannabinoid metabolites are detected in their bodily fluids

§ 95 — POSITIVE STUDENT THC TESTS

Prohibits, with some exceptions, a positive drug test result that only indicates a specified metabolite of THC from being the only basis for school discipline

§ 96 — BAN ON REVOKING FINANCIAL AID OR EXPELLING HIGHER EDUCATION STUDENTS

Generally, bans higher education institutions from (1) revoking financial aid or student loans or (2) expelling a student, only for use or possession of small amounts of cannabis

§§ 97-101 — EMPLOYMENT RELATED PROVISIONS

Sets rules for permitted and prohibited employer actions regarding employee cannabis use; specifies it does not limit an employer's ability to require employees to submit to drug testing; creates a civil action for employees aggrieved by a violation of the act's employer limitations

§ 102 — LABOR PEACE AGREEMENTS

Requires each cannabis establishment licensee to enter into a labor peace agreement with a bona fide labor organization as a condition of its final license approval or other license changes; requires that each agreement include binding arbitration as the exclusive remedy for any agreement violation; permits civil action in Superior Court to enforce arbitration awards

§ 103 — PROJECT LABOR AGREEMENTS

Requires that cannabis establishment facility construction or renovation projects costing $5 million or more have a project labor agreement between the project contractors and the establishment and provides for enforcement through civil action in Superior Court

§ 104 — HOSPITAL POLICIES ON CANNABIS USE

Allows hospitals to restrict patients' cannabis use

§ 105 — PENALTIES FOR SALES TO UNDERAGE PERSONS

Establishes misdemeanor penalties for cannabis establishments and employees who sell to people under age 21

§ 106 — PHOTO IDENTIFICATION

Allows cannabis establishments and their employees to require customers to have their photos taken or show IDs to prove their age and provides an affirmative defense for relying on these documents; limits other use of these photos or information; allows DCP to require cannabis establishments to use an online age verification system

§ 107 — PENALTIES FOR INDUCING UNDERAGE PERSONS TO BUY CANNABIS

Establishes misdemeanor penalties for inducing someone under age 21 to buy cannabis

§ 108 — IDENTIFICATION USE AND PENALTIES FOR ATTEMPTED PURCHASES BY UNDERAGE PERSONS

Allows driver's licenses and non-driver ID cards to be used to prove age for buying cannabis; establishes penalties for underage persons who misrepresent their age or use someone else's license in an attempt to buy cannabis

§ 109 — PENALTIES FOR ALLOWING UNDERAGE PERSONS TO POSSESS CANNABIS AT A PERSON'S PROPERTY

Makes it a class A misdemeanor for someone in control of a home or private property to allow someone under age 21 to possess cannabis there

§ 110 — PROHIBITION ON ALLOWING UNDERAGE PERSONS TO LOITER AT CANNABIS RETAILERS

Establishes penalties for cannabis retailers or hybrid retailers who allow underage individuals to loiter or enter certain parts of the establishment

§ 111 — UNDERAGE PERSONS POSSESSING ALCOHOL AT A PERSON'S PROPERTY

Narrows the existing crime of allowing underage persons to possess alcohol at a property, by eliminating criminal negligence as a sufficient mental state for this crime

§§ 112 & 113 — CANNABIS USE IN MOTOR VEHICLES

Makes it a (1) class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and (2) class D misdemeanor to do so as a passenger in a motor vehicle; prohibits police from stopping a vehicle solely for these violations

§ 114 — DRUG RECOGNITION EXPERTS AND ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT

Requires POST and DOT to determine the number of drug recognition experts needed; requires certain officers to be trained in advanced roadside impaired driving enforcement; and requires related training plans

§ 116 — DRIVING UNDER THE INFLUENCE (DUI)

Modifies the state's DUI law, including allowing a defendant's refusal of a drug influence evaluation to be admitted as evidence and allowing courts to take judicial notice of THC's effects

§ 117 — ALCOHOL EDUCATION AND TREATMENT PROGRAM

Allows the court to require people convicted of DUI to participate in the pretrial impaired driving intervention program (see § 167)

§ 118 — ADMINISTRATIVE PER SE LICENSE SUSPENSION FOR DUI

Makes changes to the administrative per se law, including (1) expanding it to include procedures for imposing penalties on drivers without an elevated BAC, but found to be driving under the influence based on behavioral impairment evidence, and (2) applying the existing per se process to operators who refuse the nontestimonial portion of a drug influence evaluation

§ 119 — PROCEDURES FOR ACCIDENTS RESULTING IN DEATH OR SERIOUS INJURY

Modifies intoxication testing procedures for accidents resulting in death or serious injury, including by requiring drug influence evaluations of surviving operators

§ 120 — COMMERCIAL VEHICLE DRIVING DISQUALIFICATION

Extends existing commercial motor vehicle driving disqualification penalties to drivers who refused a drug influence evaluation or drove under the influence of alcohol, drugs, or both

§ 121 — EDUCATIONAL MATERIALS ON DRE PROGRAM AND DRUG INFLUENCE EVALUATIONS

Requires the Traffic Safety Resource Prosecutor to develop educational materials and programs about the DRE program and drug influence evaluations

§ 122 — ADMINISTRATIVE PENALTIES FOR BOATING UNDER THE INFLUENCE

Makes changes to DEEP's administrative sanctions process for boating under the influence that are substantially similar to the act's changes to DMV's administrative per se process

§ 123 — BOATING UNDER THE INFLUENCE

Makes changes to the boating under the influence law that are substantially similar to those the act makes to the DUI law

§ 124 — DOT RECOMMENDATIONS ON IMPAIRED DRIVING DATA COLLECTION AND PILOT PROGRAMS

Requires DOT to make recommendations on impaired driving data collection and pilot programs on electronic warrants and oral fluid testing in impaired driving investigations

§§ 125 & 127 — STATE CANNABIS TAX

Establishes a state tax on retail sales of cannabis, cannabis plant material, and cannabis edible products by cannabis retailers, hybrid retailers, and micro-cultivators; directs the tax revenue to the General Fund, a new General Fund account, and two new appropriated funds, according to a specified schedule

§§ 126 & 127 — MUNICIPAL CANNABIS TAX

Imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state's 6.35% sales tax and the state cannabis tax established under the act; specifies the purposes for which municipalities may use the tax revenue

§§ 127 & 129 — STATE SALES TAX ON CANNABIS

With certain exceptions, prohibits exemptions under the state's sales and use tax law from applying to cannabis sales; prohibits refunds to purchasers and businesses for sales and use taxes paid on cannabis

§ 128 — NEWLY ESTABLISHED GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS

Establishes two new General Fund accounts (the cannabis regulatory and investment account and social equity and innovation account), directs specified fee and tax revenue to the accounts for FY 22, and requires OPM to allocate the account funds to state agencies for specified purposes; beginning in FY 23, establishes two new appropriated funds (the Social Equity and Innovation Fund and Prevention and Recovery Services Fund), and requires that money in the funds be appropriated for specified purposes

§§ 130-132 & 173 — MARIJUANA AND CONTROLLED SUBSTANCES TAX

Repeals the marijuana and controlled substances tax

§ 133 — ANGEL INVESTOR TAX CREDITS FOR SOCIAL EQUITY APPLICANTS

Extends the angel investor tax credit program to eligible cannabis businesses owned and controlled by social equity applicants; allows investors to claim a 40% income tax credit for credit-eligible investments in these businesses; imposes a $15 million per fiscal year cap on these credits and increases the total credits allowed under the program to $20 million per fiscal year; and extends the program's sunset date by four years to 2028

§§ 134 & 135 — CANNABIS-RELATED FINANCIAL ASSISTANCE AND WORKFORCE TRAINING PROGRAMS

Authorizes up to $50 million in state general obligation bonds for DECD and the Social Equity Council to use for specified financial assistance and workforce training programs

§§ 136-139 & 173 — REPEAL OF OBSOLETE PROVISIONS

Repeals obsolete provisions on medical marijuana patient temporary registration certificates

§ 140 — DEPUTY DCP COMMISSIONER

Requires the governor to appoint a deputy DCP commissioner who is responsible for cannabis regulation

§ 143 — CANNABIS CULTIVATION EXCLUDED FROM FARMING DEFINITION

Specifies that the statutory definitions of "agriculture" and "farming" do not include cannabis cultivation

§ 144 — REPORT ON CANNABIS ESTABLISHMENT LOCATIONS

Requires the Social Equity Council to report on where cannabis establishments are located, including whether they are predominantly in communities of color

§ 146 — DPH PROGRAM ON CANNABIS-RELATED PUBLIC HEALTH INFORMATION

Establishes a DPH program to collect, abstract, and report timely public health information on the impact of cannabis use (e.g., cannabis-associated illness, adverse events, injuries, and poisoning); requires the program to (1) share statewide data to inform policy makers and citizens on the impact of cannabis legalization and (2) work with other specified state agencies to disseminate public health alerts

§ 147 — HEMP

Allows certain cannabis establishment entities to manufacture, market, cultivate, or store hemp and hemp products and get these products from other legal sources; requires these purchased products to be tracked throughout the manufacturing process

§ 148 — MUNICIPAL ZONING AUTHORITY AND APPROVAL REQUIREMENTS

Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; allows the DCP commissioner to set a cap in the future

§ 149 — CULTIVATOR LICENSE

Allows social equity applicants, for a limited time, to receive a cultivator license without participating in a lottery for facilities located in a disproportionately impacted area

§ 150 — AGREEMENTS WITH TRIBES

Authorizes the governor to enter into agreements with the Mashantucket Pequot and Mohegan tribes regarding cannabis businesses and the adult use market; deems the agreements approved without further action by the legislature

§ 151 — LEGISLATIVE COMMISSIONERS' OFFICE (LCO) TECHNICAL FIXES

Requires LCO to make any necessary technical fixes during codification

§ 152 — CONNECTICUT INNOVATIONS (CI) INVESTMENTS IN CANNABIS ESTABLISHMENTS

Authorizes CI to provide financial aid to, and make equity investments in, cannabis establishments

§§ 1 & 141-142 — DEFINITIONS

Defines numerous terms such as cannabis and cannabis product, consumer, cannabis establishment, equity, and social equity applicant

The act defines numerous terms, including those in the categories below. (The definitions for certain other terms are explained further below in context.)
EFFECTIVE DATE: Upon passage, except July 1, 2021, for provisions on the definitions for marijuana, THC, total THC, manufactured cannabinoid, and synthetic cannabinoid.

Cannabis and Related Terms

Under the act, "cannabis" means marijuana as defined in state law. Prior law defined "marijuana" as all parts of a plant or species of the genus cannabis, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabinon, cannabinol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in state law (state law's definition of hemp ties to the federal definition). The act expands the definition of marijuana to include any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids. It excludes from the definition CBD derived from hemp (but not similar substances derived from hemp as under prior law).

Existing law's definition excludes a plant's mature stalks; fiber made from the stalks; oil or cake made from the seeds; a compound, manufacture, salt,

derivative, mixture, or preparation made from the stalks, except the extracted resin; sterilized seeds which are incapable of germination; and hemp. The act expands the exclusions to cover (1) any substance the federal Food Drug Administration (FDA) approves as a drug and that is reclassified in any controlled substance schedule, or that the federal Drug Enforcement Administration (DEA) unschedules and (2) synthetic cannabinoids that the Department of Consumer Protection (DCP) commissioner designates as controlled substances and classifies in the appropriate schedule through regulations.

"Cannabis flower" is the flower of a plant of the genus cannabis (including abnormal and immature flowers) that has been harvested, dried, and cured, and before it is processed and transformed into a cannabis product, but not including the plant's leaves or stem. "Cannabis trim" includes all parts (including abnormal or immature parts) of the cannabis plant, other than cannabis flower, that have been harvested, dried, and cured, and before it is processed and transformed into a cannabis product. Both terms exclude hemp.

"Cannabis product" is cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. It does not include the raw cannabis plant.

"Cannabis concentrate" is any form of concentration extracted from cannabis, such as extracts, oils, tinctures, shatter, and waxes.

"Manufactured cannabinoid" means cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to marijuana-derived cannabinoids, but that are derived by a chemical or biological process.

A "medical marijuana product" is cannabis that (1) dispensary facilities and hybrid retailers (see below) may exclusively sell to qualifying patients and caregivers and (2) DCP designates on its website as reserved for sale to those individuals.

"Synthetic cannabinoid" means any material, compound, mixture, or preparation containing any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that is produced artificially and not derived from an organic source that naturally contains cannabinoids, unless listed in another controlled substance schedule.

The act defines "THC" as tetrahydrocannabinol, including delta-7; delta-8-, delta-9-, and delta-10-tetrahydrocannabinol; and any material, compound, mixture, or preparation containing their salts, isomers, and salts of isomers, whenever the existence of these substances are possible within the specific chemical designation. The definition applies regardless of the source of these substances. THC does not include (1) Dronabinol substituted in sesame oil and encapsulated in a soft gelatin capsule in an FDA-approved product or (2) any tetrahydrocannabinol product that (a) the FDA approves for a medical use and (b) has been reclassified in any controlled substances schedule or that the DEA unscheduled.

"Total THC" is the sum of the percentage by weight of tetrahydrocannabinolic acid, multiplied by 0.877, plus the percentage of weight of tetrahydrocannabinol.

Consumer, Cannabis Establishment, and Related Terms

Under the act, a "consumer" is someone at least 21 years old.

A "cannabis establishment" is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter.

Under the act, an "employee" is generally:

1. someone employed by a cannabis establishment or who otherwise has access to it or the vehicles used to transport cannabis, including an independent contractor with routine access to the premises or the establishment's cannabis, or
2. a board member of a company with an ownership interest in a cannabis establishment.

A "backer" is not considered an employee. A backer is an individual with a direct or indirect financial interest in a cannabis establishment. This does not include someone who (1) has an investment interest of up to 5% of the establishment's total ownership or interest rights (alone or combined with the interest of the person's spouse, parent, or child) and (2) does not participate in the establishment's control, management, or operation.

A "financial interest" is a right to ownership, an investment, or a compensation arrangement with another person, directly, through business, investment, or family. It does not include owning investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market if the person (alone or combined with the shares owned by the person's spouse, parent, or child) does not own more than 0.5% of the corporation's shares.

Generally, a "key employee" is a cannabis establishment's president or chief officer, financial manager, compliance manager, or someone with an equivalent title.

Equity, Social Equity Applicant, and Related Terms

The act defines "equity" and "equitable" as efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to:

1. identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender, and sexual orientation;
2. ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and
3. prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities on these bases.

A "social equity applicant" is an applicant for a cannabis establishment license, where the applicant is at least 65% owned and controlled by an individual or individuals, or the applicant is an individual, who meets the following criteria.

First, their average household income must have been less than 300% of the state median over the three tax years immediately before the application. In addition, they must have been residents of a disproportionately impacted area for at least (1) five of the 10 years immediately before applying for the license or (2) nine years before they turned age 18.

A "disproportionately impacted area" is a U.S. census tract in the state that has, as determined by the Social Equity Council, (1) a historical conviction rate for drug-related offenses greater than one-tenth or (2) an unemployment rate greater than 10%.

Under the act, the "historical conviction rate for drug-related offenses" is, for a given area, the historical conviction count for these offenses divided by the area's population, as determined by the five-year estimates of the U.S. Census Bureau's most recent American Community Survey. The historical conviction count is the number of drug manufacture, sale, possession, and paraphernalia convictions among residents for arrests between January 1, 1982, and December 31, 2020, that are recorded in databases maintained by the Department of Emergency Services and Public Protection (DESPP).

An "equity joint venture" is a business entity that is at least 50% owned and controlled by an individual or individuals, or the applicant is an individual, who meets the income and residency criteria noted above for social equity applicants.

§§ 2-3, 115, 153 & 159-160 — CANNABIS POSSESSION AND USE

Allows people age 21 or older to possess or use cannabis, up to a specified possession limit; establishes various penalties for possession by underage individuals or possession exceeding the act's limit; requires POST to issue guidance on how police officers must determine whether someone's cannabis possession exceeds the act's limit

The act allows individuals age 21 or older (consumers) to possess, use, or otherwise consume cannabis, up to a specified possession limit. Specifically, the amount of cannabis must not exceed:

1. (a) 1.5 ounces of cannabis plant material and (b) five ounces of such material if it is in a locked container in the person's residence or locked glove box or trunk in the person's motor vehicle,
2. an equivalent amount of cannabis products, or
3. an equivalent combined amount of cannabis and cannabis products.

Starting July 1, 2023, the possession limit does not include any live plants or cannabis plant material derived from live plants that the person cultivated in accordance with the act's home-grow provisions (see § 162).

Generally, the act defines "cannabis plant material" as the cannabis flower, trim, and all parts of the cannabis plant or species, excluding (1) a growing plant and its seeds or (2) hemp as defined under state law. Under the act, 1.5 ounces of cannabis plant material is equivalent to 7.5 grams of cannabis concentrate or any other cannabis products with up to 750 milligrams of THC. Five ounces is equivalent to 25 grams of cannabis concentrate or any other cannabis products with up to 2,500 milligrams of THC.

Prior law prohibited the possession of cannabis, except as authorized by law

for medical purposes, and imposed civil fines and other penalties for possession of under ½ ounce and criminal penalties for the possession of larger amounts. The following table describes the prior penalties.

Penalties for Cannabis Possession Under Prior Law

Possession of less than ½ ounce: • First offense: $150 fine • Subsequent offenses: $200 to $500 fine (third-time violators had to attend drug education, at their own expense) • Violators followed the law's procedures for infractions (e.g., they could pay the fine by mail) • 60-day suspension of the driver's license or nonresident operating privileges of anyone under age 21 who was convicted of a violation (if the person did not have a license, he or she was ineligible for one for 150 days) • Burden of proof was preponderance of the evidence (rather than beyond a reasonable doubt)
Possession of ½ ounce or more: • Class A misdemeanor (see Table on Penalties) • Second offense: court had to evaluate the defendant and could suspend prosecution and order substance abuse treatment if it determined that the person was drug dependent • Subsequent offenses: court could find the person to be a persistent offender for controlled substance possession and impose the prison term that applies to class E felonies (i.e., up to three years)
Possession of ½ ounce or more within 1,500 feet of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed child care center as identified by a sign posted in a conspicuous place: • Class A misdemeanor • Court had to sentence the person to a prison term and probation. The conditions of probation had to include community service.

As explained below, the act establishes a range of penalties for cannabis possession (1) by underage individuals or (2) that exceeds the act's possession limit. In all cases, these penalties do not apply if the possession is authorized under the state's medical marijuana law. The act also specifies that the penalties for persons age 21 or older do not apply to possession otherwise authorized under the act (e.g., by cannabis establishments).

For determining the act's possession limit or other amounts, one ounce of cannabis plant material is equivalent to (1) five grams of cannabis concentrate or (2) any other cannabis products with up to 500 milligrams of THC. Also, the

amount of cannabis possessed is calculated by converting any quantity of cannabis products to its equivalent quantity of plant material and taking the sum of these quantities.

The act also makes conforming changes. For example, it specifies that, as under prior law, if someone is sentenced to prison for criminal cannabis possession under the act, the Department of Correction (DOC) may release the person to home confinement under specified conditions (§ 159).

For any of the provisions below setting fines for illegal cannabis possession, if the person attests to his or her indigency, the person may complete community service instead of paying the fine. Specifically, the person must complete one hour of community service with a private nonprofit charity or other nonprofit organization for each $25 of the fine that would otherwise apply. The person must attest to completing the community service and present confirming documentation from the nonprofit entity.

EFFECTIVE DATE: July 1, 2021, except (1) the POST guidance provision is effective January 1, 2022, and (2) the driver's license suspension provision is effective April 1, 2022.

Penalties for Possession by Individuals Under Age 18 (§ 3(b))

The act prohibits the police from arresting anyone under age 18 for possessing cannabis. It establishes the following penalties for these individuals who possess under five ounces of cannabis plant material, an equivalent amount of cannabis products, or an equivalent combined amount of plant material and products:

1. first offense: a written warning and possible referral to a youth services bureau or other appropriate services;
2. second offense: mandatory referral to a youth services bureau or other appropriate services; and
3. subsequent offense: adjudicated as delinquent in juvenile court.

By law, youth services bureaus coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others (CGS § 10-19m).

For individuals under age 18 possessing at least five ounces of cannabis plant material (or an equivalent product amount or combined amount), the act requires a delinquency adjudication in juvenile court, for a first or subsequent offense.

Penalties for Possession by Individuals Age 18 to 20 (§ 3(c))

The act establishes the following penalties for 18- to 20-year-olds possessing under five ounces of cannabis plant material or equivalent product amounts or combined amounts:

1. first offense: $50 fine, and
2. subsequent offense: $150 fine.

For possession of larger amounts (e.g., five ounces or more of plant material), the act establishes the following penalties:

1. first offense: $500 fine, and
2. subsequent offense: class D misdemeanor (see Table on Penalties).

In addition, for any quantity of cannabis, whether it is a first or subsequent offense, the act requires these individuals to view and sign a statement acknowledging the health effects of cannabis on young people.

Penalties for Illegal Possession by Individuals Age 21 or Older (§ 3(d), (e))

Above Possession Limit and up to Certain Amounts. Under the act, someone age 21 or older is subject to fines for possessing more than the act's possession limit, but less than (1) five ounces of cannabis plant material and eight ounces if it is in a locked container in the person's residence or locked glove box or trunk in the person's vehicle, or (2) an equivalent amount of cannabis products or combined amount of cannabis and cannabis products. The act establishes a $100 fine for a first offense and $250 fine for a subsequent offense.

Larger Amounts. The act establishes the following penalties for anyone age 21 or older possessing larger amounts of cannabis (e.g., at least five ounces of plant material or eight ounces in a locked container at home):

1. first offense: $500 fine and
2. subsequent offense: class C misdemeanor.

In addition, the court must evaluate the person and if it determines that the person is drug dependent, it may suspend prosecution and order the person to undergo a treatment program.

The act requires referral to a drug education program for anyone who for a third time enters a no contest plea to, or is found guilty after trial of, possessing these larger amounts. The person must pay for the program.

Driver's License Suspension for Underage People (§ 115)

In addition to the penalties listed above, the act requires the motor vehicles commissioner to impose a 60-day suspension of the driver's license or nonresident operating privilege for anyone under age 21 convicted of possessing any amount of cannabis. Prior law required this for underage people convicted of possessing less than ½ ounce of cannabis.

POST Guidance (§ 153)

The act requires the Police Officer Standards and Training Council (POST), by January 1, 2022, to issue guidance on how police officers must determine whether the cannabis possessed by a person exceeds the act's possession limit.

§§ 4, 115 & 154 — CANNABIS PARAPHERNALIA

Eliminates penalties for drug paraphernalia actions related to cannabis

The act eliminates prior penalties for the use, possession with intent to use, manufacture, and other specified actions related to drug paraphernalia in

connection with cannabis. Under prior law, in general, these actions were infractions if they related to less than one-half ounce of cannabis or misdemeanors if they related to larger amounts.

EFFECTIVE DATE: July 1, 2021, except a conforming change is effective April 1, 2022.

§ 5 — DELINQUENCY ADJUDICATIONS AND SERIOUS JUVENILE OFFENSES

Prohibits minors from being adjudicated delinquent for certain cannabis possession offenses and removes most cannabis sale offenses from the list of serious juvenile offenses

Under existing law, minors may be adjudicated delinquent for, among other things, violating most state laws. The act prohibits minors from being adjudicated delinquent for a first or second offense of possessing under five ounces of cannabis or equivalent product amounts or combined amounts.

Under existing law, illegal drug sales are classified as serious juvenile offenses. The act removes most cannabis sales from the list of serious juvenile offenses. Certain sales of large quantities are still classified as such offenses; specifically, those under CGS § 21a-278(b).

By law, among other things, serious juvenile offenders (1) are barred from certain court diversion programs and (2) generally must keep the juvenile conviction on their record for a longer period than other juvenile offenders.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 6 — VIOLATIONS SUBJECT TO INFRACTION PROCEDURES

Allows people to pay certain cannabis-related fines by mail without making a court appearance

For certain cannabis-related violations punishable by non-criminal fines, the act generally subjects the violations to the same procedures as those governing infractions. Thus, someone who does not wish to contest the fine may pay it by mail without a court appearance.

This applies to non-criminal offenses for:

1. cannabis possession (various offenses, see § 3);
2. sales and related actions (e.g., a first offense for someone age 18 or older selling under eight ounces, see § 13);
3. using cannabis on state lands or waters managed by the Department of Energy and Environmental Protection (DEEP) (§ 91);
4. a first offense for someone mispresenting his or her age or using someone else's license to obtain cannabis (§ 108); or
5. a first offense for cannabis retailers or hybrid retailers who allow underage individuals to loiter or enter certain parts of the establishment (§ 110).

EFFECTIVE DATE: July 1, 2021

§ 7 — MEDICAL ASSISTANCE FOR CANNABIS-RELATED DISTRESS

Generally prohibits prosecuting someone for cannabis possession or certain related offenses if evidence was obtained through efforts to seek medical assistance for cannabis-related medical distress

The act generally prohibits prosecuting a person for illegal cannabis possession or certain related offenses (e.g., sales or possession with intent to sell or allowing underage people to use cannabis at a residence) based on discovery of evidence arising from efforts to seek medical assistance for cannabis-related medical distress.

Specifically, it prohibits prosecuting someone who seeks or receives medical assistance in good faith under the following scenarios:

1. when a person seeks assistance for someone else based on a reasonable belief that the person is experiencing cannabis-related medical distress (the act applies to either individual) or
2. when a person seeks medical attention for himself or herself based on a reasonable belief that he or she is experiencing that distress.

"Good faith" does not include seeking medical assistance while law enforcement officers are executing an arrest or search warrant or conducting a lawful search.

EFFECTIVE DATE: July 1, 2021

§§ 8 & 9 — CRIMINAL RECORD ERASURE

Allows for petitions to erase records for cannabis-related convictions within a certain period, including for possessing up to four ounces, using or possessing drug paraphernalia, or selling, manufacturing, or related actions involving up to four ounces or up to six plants grown in the person's home for personal use; provides for automatic erasure of convictions within a certain period for possessing less than four ounces of cannabis or any quantity of non-narcotic or non-hallucinogenic drugs

Under existing law, offenders convicted of acts that are later decriminalized may petition to have their records erased (CGS § 54-142d, as amended by PA 21-32). This includes convictions for possessing less than ½ ounce of cannabis, which was decriminalized under state law in 2011 (PA 11-71; see *State v. Menditto*, 315 Conn. 861 (2015)). If petitioned, the court must order the physical destruction of all related police, court, and prosecutor records.

The act allows anyone with certain cannabis-related convictions to file a court petition for the records' erasure, as shown in the following table.

Cannabis-Related Convictions Eligible for Erasure Petition Under the Act

Date of Conviction	*Offense*
Before January 1, 2000, or October 1, 2015, through June 30, 2021	Possession of four ounces or less of cannabis
Before July 1, 2021	Use or possession with intent to use drug paraphernalia in connection with cannabis use

Date of Conviction	*Offense*
Before July 1, 2021	Manufacturing, selling, possessing with the intent to sell, and similar actions involving (1) four ounces or less of cannabis or (2) six or fewer plants grown in the person's primary residence for personal use

The act provides for automatic erasure of convictions that occurred from January 1, 2000, through September 30, 2015, for possessing less than four ounces of cannabis or any amount of certain other drugs. This automatic erasure provision does not apply to (1) narcotics (e.g., heroin or cocaine) or (2) non-marijuana hallucinogens. (Effective October 1, 2015, PA 15-2, § 1, June Special Session, replaced the prior penalty for drug possession crimes, which punished most types of illegal drug possession as felonies. It created a new structure that generally punished possession of half an ounce or more of cannabis, or any amount of another illegal drug, as a class A misdemeanor.)

Because PA 11-71, effective July 1, 2011, decriminalized the possession of up to one-half ounce of marijuana, possessing less than that amount since then is not a crime and is not covered by the act's erasure provisions. PA 11-71 similarly decriminalized paraphernalia-related actions involving less than one-half ounce of marijuana, so these actions since then are also not crimes and not covered by the act.

The act specifies that these erasure provisions do not apply to court records and transcripts prepared by official court reporters, court reporting monitors, or any other entity designated by the Chief Court Administrator.

EFFECTIVE DATE: July 1, 2022, except for the automatic erasure provisions, which are effective January 1, 2023.

Petitions for Erasure of Certain Cannabis Possession, Paraphernalia, Sale, and Related Convictions (§ 8)

Under the act, a person seeking this erasure must file the petition with the Superior Court (1) where the person was convicted, (2) that has the conviction records, or (3) where venue would currently exist if the conviction took place in a court that no longer exists (e.g., the Court of Common Pleas). The act bars the court from charging any fees for these petitions.

The act specifies that the erasure occurs as provided under existing procedures (CGS § 54-142a). Among other things, that law provides that anyone whose records are erased is deemed to have never been arrested for those charges under law and may swear to that under oath.

The petitioner must include a copy of the arrest record or an affidavit supporting that the conviction meets the act's requirements listed above (e.g., for possession convictions, that the amount was four ounces or less). If the petition includes the required documentation, the court must order the erasure of all related police, court, and prosecutor records.

Under the act, these provisions do not apply if the criminal case is pending. If the person was charged with multiple counts, these provisions do not apply unless

all counts are entitled to erasure. But when the case is concluded, electronic records, or portions of them, released to the public must be erased to the extent they reference charges entitled to erasure.

Automatic Erasure of Certain Possession Convictions (§ 9)

The act also provides for automatic erasure of the police, court, and prosecutor records for certain drug possession convictions from January 1, 2000, through September 30, 2015, as specified above. Under the act, if these records are electronic, they must be erased; if they are not electronic, they are deemed erased by operation of law. In either case, the erasure occurs under existing law's applicable procedures. The act specifies that scanned copies of physical documents are not considered electronic records.

Under the act, someone whose records are erased under these provisions may represent to any entity, other than a criminal justice agency, that he or she has not been arrested or convicted for the erased conviction.

If the person was charged with multiple counts, these provisions do not apply unless all counts are entitled to erasure, except that electronic records, or portions of them, released to the public must be erased to the extent they reference charges entitled to erasure.

The act specifies that these provisions do not (1) limit any other procedure for erasure of criminal history record information or (2) prohibit someone from participating in those procedures, even if that person's records have been erased under the act's procedure.

The act specifies that it does not require the Department of Motor Vehicles (DMV) to erase criminal history record information from operators' driving records. It requires DMV, when applicable, to make this information available through the Commercial Driver's License Information System.

These provisions also do not require criminal justice agencies to partially redact any of their internal physical documents or scanned copies of them.

Background — Related Act

Starting in 2023, PA 21-32, as amended by PA 21-33 (§ 10), establishes a process to erase records of certain criminal convictions after a specified period following the person's most recent conviction. Among other things, the act also includes provisions similar to this act regarding purchasers of public criminal records.

§ 10 — RECORD PURCHASERS AND DISCLOSURE

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

Existing law establishes certain requirements that those who purchase public

criminal records from the judicial branch must meet before disclosing these records. The act expands these provisions to also cover records purchased from other criminal justice agencies (e.g., the State Police, Department of Motor Vehicles, or DOC). It also specifies that these requirements apply to background screening providers and similar data-based services or companies, in addition to consumer reporting agencies as under existing law.

Under existing law, the judicial branch must make information (such as docket numbers) on erased records available to these purchasers, to allow them to identify and permanently delete these records. Before disclosing the records, the person must purchase from the judicial branch any updated public criminal records or information available to comply with the law, either on a monthly basis or on another schedule the judicial branch establishes. As noted above, the act extends these provisions to other criminal justice agencies.

Existing law also requires these purchasers to update their records before disclosing them, to permanently delete any erased records. The act requires them to do this within 30 days after receiving information on erased records.

As under existing law, the purchaser may not further disclose erased records.
EFFECTIVE DATE: January 1, 2023

§ 11 — LEGAL PROTECTIONS FOR ESTABLISHMENTS, EMPLOYEES, AND BACKERS

Provides legal protections for cannabis establishments, and their employees and backers, who comply with the act's requirements

The act provides legal protections for cannabis establishments, and their employees and backers, for various cannabis-related actions if they comply with the act's requirements and related regulations for that person's license or registration type. These protections apply regardless of conflicting statutes.

Specifically, the protections apply when these people or entities acquire, distribute, possess, use, or transport cannabis or related paraphernalia in their capacity as a cannabis establishment, employee, or backer. They may not be arrested, prosecuted, or otherwise penalized, including being subject to civil penalties, or denied any right or privilege (including discipline by a professional licensing board) for these actions under the conditions described above.
EFFECTIVE DATE: July 1, 2021

§ 12 — PROFESSIONAL LICENSING DENIALS

Limits when the state can deny a professional license because of certain cannabis-related activity

Subject to the exceptions below, the act prohibits state entities from denying a professional license because of someone's (1) employment or affiliation with a cannabis establishment, (2) cannabis possession or use that is legal under the act or the medical marijuana law, or (3) conviction for possessing or using under four ounces of cannabis.

This does not apply if denying a license is required due to (1) federal law, (2)

an agreement between the federal government and the state, or (3) a substantial risk to public health or safety.
EFFECTIVE DATE: July 1, 2021

§§ 13, 15 & 155-158 — PENALTIES FOR ILLEGALLY SELLING CANNABIS

Lowers the penalties for (1) illegally selling cannabis and related actions and (2) before July 1, 2023, growing up to six cannabis plants at home for personal use

Under prior law, illegally manufacturing, selling, possessing or transporting with intent to sell, or engaging in similar actions related to cannabis was generally punishable (1) for a first offense, by up to seven years in prison, a fine of up to $25,000, or both or (2) for a subsequent offense, by up to 15 years in prison, a fine of up to $100,000, or both.

The act establishes lower penalties for these illegal actions, as explained below. (These penalties do not apply to lawful actions under the act or the existing medical marijuana laws.)

Existing law, unchanged by the act, imposes felony penalties for illegal sales (or related actions) of one kilogram or more of cannabis by someone who is not drug-dependent, with enhanced penalties if the (1) seller is at least two years older than the buyer who is under age 18 or (2) crime occurs within a certain distance of a school, public housing project, or child care center (CGS §§ 21a-278(b) and 21a-278a as amended by PA 21-102, § 23).
EFFECTIVE DATE: July 1, 2021

Individuals Under Age 18

The act requires that individuals under age 18 be adjudicated delinquent for illegal cannabis sales and related actions.

Individuals Age 18 or Older

Less Than Eight Ounces. The act establishes the following penalties for individuals age 18 or older for illegal sales or related actions involving less than eight ounces of cannabis plant material, an equivalent amount of cannabis product, or an equivalent combined amount:

1. first offense: up to a $500 fine, and
2. subsequent offense: class C misdemeanor (see Table on Penalties).

Eight Ounces or More. For illegal sales or related actions involving larger amounts, the act's penalties are as follows:

1. first offense: class B misdemeanor, and
2. subsequent offense: class A misdemeanor.

Home Grow for Personal Use. The act sets the following penalties for someone age 18 or older who, before July 1, 2023, grows up to three mature and three immature cannabis plants at the person's home for personal use:

1. first offense: a written warning,
2. second offense: up to $500 fine, and

3. subsequent offense: class D misdemeanor.

The act prohibits evidence of such a violation from being admissible in any criminal proceeding unless that evidence was discovered during police investigation of a cannabis possession or sale crime or certain other illegal drug sales.

Conforming and Other Changes (§§ 155-158)

The act extends to these illegal cannabis sale provisions certain existing laws that apply to illegal drug sales and related actions. So, as is the case for existing laws on illegal drug sales:

1. under specified circumstances, violations are subject to the laws on public nuisances (§ 155) and racketeering (§ 156); and
2. a state's attorney may apply for a court order to authorize wiretapping to investigate these offenses (§ 158).

Under existing law, property from drug sale proceeds and certain related property are subject to forfeiture under specific procedures, separate from procedures for most other types of criminal activity. The act exempts property from illegal cannabis sales under the above provisions from forfeiture (§ 157).

§ 14 — CANNABIS GIFTS

Allows consumers to give cannabis to other consumers for free, within the act's possession limit

The act allows consumers (i.e., people age 21 or older) to give cannabis to other consumers for free (i.e., without compensation or consideration). This applies if the giver reasonably believes that the other person may possess the cannabis without exceeding the act's possession limit.

EFFECTIVE DATE: July 1, 2021

§ 16 — PAROLE, SPECIAL PAROLE, OR PROBATION

Limits when cannabis possession or use can be grounds to revoke parole, special parole, or probation

The act generally prohibits cannabis possession or use from being grounds for revoking someone's parole, special parole, or probation if the person complies with the act's requirements (i.e., the possession limit and age restrictions) or the medical marijuana law.

But it allows for cannabis use to be grounds for revocation if a person's conditions of parole, special parole, or probation (1) include a finding that cannabis use would pose a danger to the person or the public, with individualized reasons supporting that finding, and (2) require the person not to use cannabis. Under the act, this finding must not consider any prior arrests or convictions for cannabis use or possession.

EFFECTIVE DATE: July 1, 2021

§ 17 — CONDITIONS OF RELEASE

Limits when bail commissioners or IAR specialists may prohibit someone, as a condition of release, from the lawful use of intoxicating substances

By law, bail commissioners or intake, assessment, and referral (IAR) specialists may require an arrested person to comply with nonfinancial conditions of release, in addition to requiring a bond or written promise to appear. These conditions apply until the person appears in court.

Under prior law, the possible nonfinancial conditions of release included requiring the person to refrain from using or possessing intoxicants or controlled substances. The act instead allows this blanket restriction as a condition of release only in the case of unlawful use or possession. Otherwise, it allows bail commissioners to require the person, as a condition of release, to refrain from using classes of intoxicants or controlled substances only if they make a finding that the person's use would be dangerous to himself, herself, or the public, with individualized reasons supporting that finding. In making this finding, they cannot consider the person's prior arrests or convictions for cannabis use or possession.

EFFECTIVE DATE: July 1, 2021

§ 18 — SEARCHES AND MOTOR VEHICLE STOPS

Limits when cannabis odor or possession can justify a search or motor vehicle stop

The act generally provides that the following do not constitute (in whole or part) probable cause or reasonable suspicion, and must not be used as a basis to support a stop or search of a person or motor vehicle:

1. the possession or suspected possession of up to five ounces of cannabis plant material (or an equivalent amount of products or combined amount);
2. the presence of cash or currency near the cannabis, unless there is evidence that the cash or currency exceeds $500; or
3. the odor of cannabis or burnt cannabis.

But the act allows law enforcement officers to conduct a test for impairment based on this odor if the officer reasonably suspects that a motor vehicle's operator or passenger is violating the DUI laws (see below).

Under the act, any evidence discovered through a stop or search that violates these provisions is not admissible in evidence in any trial, hearing, or other court proceeding.

EFFECTIVE DATE: July 1, 2021

§ 19 — BOARD OF EDUCATION POLICIES AND PROCEDURES

Prohibits school board disciplinary policies and procedures from setting stricter penalties for violations involving cannabis than for those involving alcohol

By law, school boards must have policies and procedures for dealing with students' use, sale, or possession of alcohol or drugs on school grounds. The

policies must (1) conform with certain standards on private communications between staff and students and (2) include a process for referring students to appropriate agencies and for cooperating with law enforcement.

Starting in January 1, 2022, the act prohibits these policies and procedures from giving students greater discipline, punishment, or sanctions for cannabis use, possession, or sale than they would for alcohol.

EFFECTIVE DATE: October 1, 2021

§ 20 — DOMESTICATED ANIMALS

Establishes penalties for feeding cannabis to domesticated animals

The act makes it a class C misdemeanor (see Table on Penalties) to provide cannabis to a domesticated animal.

EFFECTIVE DATE: October 1, 2021

§ 21 — GENERAL RESTRICTIONS ON CANNABIS SALES AND DELIVERIES

Restricts who may sell or deliver cannabis to (1) consumers and (2) qualifying medical marijuana patients and their caregivers

The act generally prohibits anyone other than:

1. retailers, hybrid retailers, micro-cultivators, delivery services, or their employees from selling or offering cannabis to consumers and
2. hybrid retailers, dispensary facilities, delivery services, or their employees from selling or offering cannabis to qualifying medical marijuana patients and caregivers.

The above restrictions apply except as otherwise provided under the act or the existing drug or medical marijuana laws.

The act also generally prohibits anyone except delivery services or their employees (subject to the act's restrictions on them, see § 47) from delivering cannabis to consumers, patients, or caregivers. But it allows retailers, hybrid retailers, micro-cultivators, and dispensary facilities, for a certain period, to use their own employees to deliver cannabis to the same individuals to whom they may sell it. This period ends 30 days after the date the first five delivery service licensees begin public operation. The DCP commissioner must publish that date on the department's website.

EFFECTIVE DATE: July 1, 2021

§ 22 — SOCIAL EQUITY COUNCIL

Establishes a Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition

The act establishes a 15-member Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities

disproportionately harmed by cannabis prohibition and enforcement.

The act places the council within the Department of Economic and Community Development (DECD) for administrative purposes only.

EFFECTIVE DATE: Upon passage

Council Membership and Administration (§ 22(b)-(d))

Under the act, the council's membership includes the DCP and DECD commissioners, the state treasurer, and the OPM secretary, or their designees.

The council also includes 11 appointed members, as shown in the following table.

Social Equity Council Appointed Members

Appointing Authority	*Appointee Qualifications*
House speaker	Professional background of at least five years working in social justice or civil rights
Senate president pro tempore	Professional background of at least five years working in social justice or civil rights
House majority leader	Professional background of at least five years working in economic development to help minority-owned businesses
Senate majority leader	Professional background of at least five years in providing access to capital to racial and ethnic minorities or women
House minority leader	Individual from a community that has been disproportionately harmed by cannabis prohibition and enforcement
Senate minority leader	Professional background of at least five years in providing access to capital to racial and ethnic minorities or women
Black and Puerto Rican Caucus chairperson	Unspecified qualifications
Governor	Four appointees: • An individual from a community that has been disproportionately harmed by cannabis prohibition and enforcement • An individual with a professional background of at least five years working in economic development • An executive branch official focused on workforce development • An individual with unspecified qualifications

The act requires these appointing authorities to use their best efforts to make appointments that reflect the state's racial, gender, and geographic diversity. They

must make the appointments within 30 days after the act's passage (i.e., July 22, 2021). The governor appoints a council chairperson from among its members.

Under the act, the governor's appointees serve four-year terms and the other appointees serve three-year terms. The appointing authority must fill any vacancy for the unexpired term. A majority of the council's members constitutes a quorum.

The act provides that the council's members are not paid for their service, but they must be reimbursed for their necessary expenses within available appropriations.

The act requires the governor to appoint an interim executive director to operationalize and support the council until it appoints an executive director. Under the act, subject to the State Personnel Act (i.e., the state employee civil service laws) and within available appropriations, the council may appoint an executive director and other employees as may be necessary to discharge its duties.

Council Responsibilities and Authority (§ 22(e)-(l))

The act allows the council to:

1. request information and assistance from state agencies, which the agencies must provide to the council upon request;
2. use available funds from federal, state, or other sources;
3. enter into contracts to carry out its purposes, including contracts or agreements with Connecticut Innovations, Incorporated; the state system of higher education's constituent units; regional workforce development boards; and community development financial institutions;
4. use voluntary and uncompensated services offered by individuals, state or federal agencies, and organizations;
5. accept any gift, donation, or bequest to perform its duties;
6. hold public hearings;
7. establish standing committees, as necessary, to perform its duties; and
8. adopt regulations necessary to carry out its duties.

Third-Party Study. The act requires the council, by August 6, 2021, or at a later date the council determines, to establish criteria for proposals for an independent third party to conduct a study and provide detailed findings of fact on specified matters. The OPM secretary must post the request for proposals (RFP) on the State Contracting Portal.

The study and findings must address the following issues, in relation to Connecticut, or other matters the council determines:

1. historical and current social, economic, and familial consequences of cannabis prohibition, the criminalization and stigmatization of cannabis use, and related public policies;
2. historical and current structures, patterns, causes, and consequences of intentional and unintentional racial discrimination and disparities in the development, application, and enforcement of this prohibition and related public policies;

3. foreseeable long-term social, economic, and familial consequences of unremedied past racial discrimination and disparities arising from past and continued cannabis prohibition, stigmatization, and criminalization;
4. existing patterns of racial discrimination and disparities in access to entrepreneurship, employment, and other economic benefits arising in the state's medical marijuana sector; and
5. any other matters that the council deems relevant and feasible to study for making reasonable and practical recommendations for establishing an equitable and lawful adult-use cannabis business sector.

Social Equity Recommendations. By January 1, 2022, and considering the study's results, the council must make recommendations to the governor and the Finance, Revenue and Bonding, General Law, and Judiciary committees for legislation to implement these social equity provisions. The recommendations must address:

1. creating programs to ensure that individuals from disproportionately harmed communities have equal access to cannabis establishment licenses;
2. specifying additional qualifications for social equity applicants;
3. providing for expedited or priority license processing for social equity applicants for retailer, hybrid retailer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, transporter, and delivery service licenses;
4. establishing minimum criteria for cannabis establishments licensed on or after January 1, 2022, that are not owned by a social equity applicant to comply with an approved workforce development plan to reinvest or provide jobs and training opportunities for individuals in disproportionately impacted areas (after developing criteria for these plans, the council must review and approve or deny in writing any such plan submitted by a producer or hybrid retailer);
5. establishing criteria for a social equity plan for any cannabis establishment licensed on or after January 1, 2022, to further the principles of equity (after developing criteria for these plans, the council must review and approve or deny in writing any such plan a cannabis establishment submits as part of its final license application);
6. recruiting individuals from disproportionately harmed communities to the workforce training program established under the act (see § 39 below);
7. potential uses for revenue generated under the act to further equity;
8. encouraging participation by investors, cannabis establishments, and entrepreneurs in the cannabis business accelerator program established under the act (see § 38 below);
9. establishing a process to best ensure that social equity applicants have access to the capital and training needed to own and operate cannabis establishments; and
10. developing a vendor list of women- and minority-owned businesses that cannabis establishments may contract with for necessary services, such as office supplies, information technology infrastructure, and cleaning services.

Other Responsibilities. The act requires the council, beginning by August 1, 2021, to annually identify one or more U.S. census tracts in the state that are disproportionately impacted areas and publish a list of these tracts on the council's website. To do so, the council must use the most recent five-year U.S. Census Bureau American Community Survey estimates or any successor data.

The act also requires the council to develop the criteria for evaluating the ownership and control of joint ventures and review and approve or deny in writing these joint ventures before their licensure (see §§ 27 and 145).

Under the act, upon receiving funds from producers applying to engage in expanded activities (see § 26), the council also must develop a program to help social equity applicants open up to two micro-cultivator establishment businesses in total. The act requires (1) producers to provide mentorship to these social equity applicants and (2) the council, with DCP, to determine a system to select applicants to participate in this program without participating in a lottery or RFP.

§ 23 — CANNABIS ARREST AND CONVICTION DATA

Requires the Social Equity Council to report on cannabis arrest and conviction data

The act requires the Social Equity Council, by October 1, 2023, to report to the governor and Judiciary Committee on arrest and conviction data for cannabis possession, manufacture, and sales (e.g., possession in excess of the act's limit), including a breakdown by town, race, gender, and age.

EFFECTIVE DATE: Upon passage

§ 24 — AGE REQUIREMENTS

Requires individuals to be at least (1) age 21 to hold any cannabis establishment license or be a backer or key employee and (2) age 18 to be employed by a cannabis establishment or medical marijuana licensee

The act requires individuals to be at least age 21 to (1) hold any cannabis establishment license or (2) be a cannabis establishment backer or key employee.

It requires individuals to be at least age 18 to be (1) a cannabis establishment employee or (2) employed by a cannabis establishment or medical marijuana licensee.

EFFECTIVE DATE: July 1, 2021

§ 24 — REGISTRATION OR LICENSE REQUIRED

Generally requires all cannabis establishment employees, key employees, and backers to obtain a DCP registration or license, as applicable

The act generally requires all cannabis establishment employees, key employees, and backers to obtain a DCP registration or license, as applicable, in the manner the DCP commissioner prescribes. The act exempts:

1. delivery service or transporter employees who do not (a) transport, store, distribute, or have access to cannabis or (b) engage in security controls or

contract management with other cannabis establishments;
2. product packager employees who do not (a) have access to cannabis or (b) engage in the physical packaging, security controls, or contract management with other cannabis establishments; and
3. other employee categories the commissioner determines, provided that key employees are not exempt from registration or licensure requirements.

EFFECTIVE DATE: July 1, 2021

§ 25 — ADVERSE ACTION DUE TO FEDERAL LAW PROHIBITED

Generally prohibits agencies or political subdivisions of the state from relying on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person unless federal law requires it; prohibits law enforcement officers from assisting a federal operation if the activity complies with the act's provisions; specifies that it is Connecticut's public policy that contracts related to operating cannabis establishments are enforceable

Under the act, no agency or political subdivision of the state (e.g., municipality) may rely on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person unless the adverse action is required under federal law. This includes the state's disqualification of a commercial driver's license, commercial learner's permit, commercial motor vehicle operator's privilege, or hazardous materials endorsement for federal law violations related to cannabis for which the federal motor carrier safety regulations or hazardous materials regulations require disqualification, or for which the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration has, based on the violation, issued a disqualification order.

Under the act, it is Connecticut's public policy that (1) contracts related to operating cannabis establishments are enforceable and (2) no contract entered into by a licensed cannabis establishment or its agents (as authorized under the license), or by those who allow the establishment, its employees, backers, or agents (as authorized under the license) to use the property, is unenforceable on the basis that federal law prohibits cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis.

The act prohibits, under certain circumstances, law enforcement officers employed by an agency that receives state or local government funds from spending resources, including an officer's time, to (1) make a cannabis arrest or seizure, or conduct an investigation, or (2) provide information or logistical support to a federal law enforcement authority or prosecuting entity. These actions are prohibited if (1) they are solely based on an activity that the officer believes constitutes a federal law violation and (2) the officer has a reasonable belief that the activity complies with the act's recreational cannabis licensure provisions or medical marijuana laws.

EFFECTIVE DATE: July 1, 2021

§ 26 — MEDICAL MARIJUANA PRODUCER EXPANDED ACTIVITIES

Allows medical marijuana producers, with DCP's authorization, to expand their license so that they may engage in certain recreational cannabis-related activities; requires producers, among other things, to either contribute $500,000 to the Social Equity Council or provide a social equity partner with at least 5% of its expanded grow space for a new social equity business

The act allows a licensed producer, in addition to the activities permitted under the medical marijuana laws, to expand its license and be authorized to sell, deliver, transfer, transport, manufacture, or package cannabis to cannabis establishments using a transporter or the producer's own employees with DCP's written authorization. However, the act prohibits producers from transporting cannabis to consumers, patients, or caregivers directly or through a delivery service.

In order to obtain the commissioner's approval to engage in the expanded activity described above, a producer must submit the following:

1. a complete license expansion application on a DCP-prescribed form;
2. a medical cannabis preservation plan to ensure against supply shortages of medical marijuana products, which must be approved or denied at the DCP commissioner's discretion;
3. a $3 million conversion fee payment or, if the producer participates in at least two approved equity joint ventures, $1.5 million (see § 27); and
4. a workforce development plan that the Social Equity Council reviewed and approved for compliance with requirements the council developed.

The producer must also contribute $500,000 to the Social Equity Council for a program to help social equity applicants open micro-cultivator establishments (see § 22 above) or submit evidence of an agreement with a social equity partner described below.

EFFECTIVE DATE: July 1, 2021

Social Equity Partner Agreement

Under the act, instead of contributing $500,000 to the council, a producer seeking a license expansion may enter into an agreement with a social equity partner to provide the partner with 5% of the grow space associated with the producer's expanded activity in order to establish a social equity business. The producer must, for at least five years, mentor the social equity partner and provide all overhead costs needed to ensure success, as determined by the council and codified in an agreement between the social equity partner and producer. The producer must ensure that the social equity partner complies with the act's cannabis cultivation, testing, labeling, tracking, reporting, and manufacturing provisions that apply to cultivators. The social equity partner must own, and be entitled to, 100% of the social equity business's profits.

The council may require evidence of a social equity partnership, including evidence of business formation, ownership allocation, terms of ownership and financing, and proof of the social equity applicant's involvement. The producer or social equity partner must submit information to the council that enables it to determine the ownership terms, including the entity's organizing documents that outline the ownership stake of each backer, initial backer investment, and payout

information. Before submitting the agreement to DCP, the council must approve the social equity partner and business agreement.

Under the act, a "social equity partner" is an individual who (1) had average household income of less than 300% of the state median over the three tax years immediately before the application and (2) was a resident of a disproportionately impacted area for at least (a) five of the 10 immediately preceding years or (b) nine years before he or she turned age 18. It can also be a person (e.g., business entity) that is at least 65% owned and controlled by an individual or individuals who meet these criteria.

§§ 27 & 145 — EQUITY JOINT VENTURES

Requires producers and dispensaries to create equity joint ventures in order to pay a lower license expansion authorization fee or hybrid retailer conversion fee; sets minimum ownership, application, and license requirements; prohibits certain ownership changes in an equity joint venture's first seven years; and limits where certain ventures may be located

The act establishes a process by which producers seeking a license expansion (see § 26) and dispensary facilities seeking to convert to a hybrid retailer (see § 145) can pay reduced fees in exchange for creating equity joint ventures. In order for a producer to pay a reduced license expansion authorization fee (i.e., $1.5 million), it must commit to establishing two equity joint ventures. A dispensary facility seeking to convert to a hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana) must have a Social Equity Council-approved workforce development plan and pay a fee of $1 million or $500,000, if it has committed to create one equity joint venture. To qualify for these reduced rates, the equity joint ventures must be approved by the council and licensed by DCP. The equity joint ventures must be in any cannabis establishment licensed business, with one exception, and the social equity applicant must own at least 50% of the business. Under the act, a producer's venture may not be in a cultivator license and a dispensary may not own more than 50% of the business.
EFFECTIVE DATE: July 1, 2021

Application Procedure and Contents

Under the act, the Social Equity Council must approve the agreement between the social equity partner and producer or dispensary facility, as applicable, before an equity joint venture can submit it to DCP for a license application. The social equity applicant or producer or dispensary, as applicable, must submit to the council information that allows the council to determine the venture's ownership terms, including the organizing documents outlining each backer's ownership stake, initial investment, and payout information. They may also include evidence of business formation, ownership allocation, ownership and financing terms, and proof of social equity applicant involvement.

In the case of an equity joint venture for a dispensary, the equity joint venture applicant must also submit an application to the council, which may include this same information.

Upon receiving the council's written approval, the social equity applicant or producer or dispensary must apply for a DCP license in the same form as required by all other licensees of the same license type, except the producer application is not subject to the lottery. The act also specifies that dispensary equity joint ventures are subject to the same fees required by all other licensees of the same license type.

Ownership and Location Limits

The act prohibits a producer or dispensary, including their backers, from increasing its ownership in an equity joint venture to more than 50% in the seven years after DCP issues a license. It also prohibits equity joint ventures that are retailers or hybrid retailers and share a common owner (e.g., a common producer or producer backer) from being located within 20 miles of another commonly owned equity joint venture.

Financial Liability

If a producer or dispensary pays the reduced conversion fee but does not subsequently create the required equity joint ventures, it is liable for the full fee amount (i.e., $3 million for producers and $1 million for dispensary facilities).

§ 28 — PAYMENT FOR PROMOTION AND EXCLUSIVE CONTRACTS PROHIBITED

Prohibits retailers from (1) accepting compensation from certain entities to place or promote their product or (2) entering into exclusive contracts

The act prohibits cannabis retailers or hybrid retailers from accepting payment or other compensation, whether directly or indirectly, from a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer, or product packager to carry a cannabis product or for placing or promoting a product in the retail establishment or through other promotional initiatives. It also prohibits these retailers from entering into (1) exclusive or near exclusive contracts or those that allow preferential treatment with these entities or (2) other contracts that limit the retailer from purchasing from other entities.
EFFECTIVE DATE: July 1, 2021

§ 28 — SALES OF CANNABIS INTENDED FOR ANIMAL USE PROHIBITED

Prohibits cannabis establishments from preparing or selling cannabis intended for animal use

The act prohibits cannabis establishments from producing, manufacturing, or selling cannabis or cannabis products intended for use or consumption by animals.
EFFECTIVE DATE: July 1, 2021

§ 28 — TRANSACTION LIMITS FOR CANNABIS

Limits the amount a customer may buy to one ounce per day; sets the limit at five ounces per day for a qualifying patient or caregiver; allows the DCP commissioner to set lower limits

The act generally prohibits a retailer or hybrid retailer from knowingly selling a customer more than one ounce per day of cannabis, the equivalent amounts of cannabis products, or a combination of both. But the act allows a hybrid retailer or dispensary facility to sell up to five ounces per day to qualifying patients or caregivers. Regardless of the Uniform Administrative Procedure Act's (UAPA) notice requirements for amending regulations, in order to avoid cannabis shortages or address a public health and safety concern, the DCP commissioner may set temporary lower per-transaction limits, which must be published on DCP's website. These limits expire when the commissioner determines that the shortage or concern no longer exists.
EFFECTIVE DATE: July 1, 2021

§ 28 — CANNABIS ESTABLISHMENTS PROHIBITED FROM HAVING LIVE CANNABIS PLANTS

Generally prohibits cannabis establishments from having live plants unrelated to their licensed operations

The act prohibits a cannabis establishment, except a producer, cultivator, or micro-cultivator, from acquiring or possessing live cannabis plants.
EFFECTIVE DATE: July 1, 2021

§ 28 — CREDENTIAL ASSIGNMENT PROHIBITED

Generally prohibits the assignment or transfer of a cannabis credential or obtaining or moving cannabis from outside Connecticut if it violates federal law

The act prohibits anyone issued a license or registration under the act from (1) assigning or transferring it without the commissioner's approval or (2) selling, transferring, or transporting cannabis to, or obtaining cannabis from, a location outside Connecticut if the activity violates federal law.
EFFECTIVE DATE: July 1, 2021

§ 29 — REGISTRATION OR LICENSE REQUIRED

Requires (1) cannabis establishment, laboratory, and research program employees to be registered and (2) backers or key employees to be licensed; specifies certain crimes that disqualify prospective licensees; requires certain licensees to notify DCP within 48 hours after an arrest or conviction for certain offenses

The act requires cannabis establishment, laboratory, and research program employees, other than key employees (e.g., an establishment's president, chief officer, financial manager, or compliance manager), to annually register with

DCP on a form and in a manner the commissioner prescribes. They must do so before beginning their employment at the establishment business.

The act also requires backers and key employees, or anyone representing that they are one, to be licensed by DCP. These individuals must apply for a license on a form and in a manner the commissioner prescribes. The form may require the applicant to:

1. submit to a state and national criminal check (see also §§ 30 & 31), which may include a financial history check if the commissioner requests it, to determine the applicant's character and fitness for the license;
2. provide information sufficient for DCP to assess whether the applicant has an ownership interest in another cannabis establishment, cannabis establishment applicant, or cannabis-related business nationally or internationally;
3. provide demographic information; and
4. obtain any other information DCP determines is consistent with the act or the medical marijuana laws.

A backer and key employee must be denied a license if the background check reveals a disqualifying conviction. Under the act, a "disqualifying conviction" is a conviction in the last 10 years that the state, another state, or the federal government has not pardoned, for the following offenses:

1. money laundering in the first, second, or third degree (CGS §§ 53a-276 to -278);
2. vendor fraud in the first, second, or third degree (CGS §§ 53a-291 to -293);
3. insurance fraud (CGS § 53a-215);
4. forgery in the first or second degree (CGS §§ 53a-138 & -139);
5. filing a false record (CGS § 53a-142a);
6. certain bribery-related crimes (CGS §§ 53a-147 to -150, -152, -153 & -158 to -161);
7. certain tampering with or intimidating witnesses, jurors, or evidence crimes (CGS §§ 53a-151, -151a, -154 & -155);
8. perjury or false statements (CGS §§ 53a-156, -157a & -157b);
9. certain crimes related to bids and kickbacks (CGS §§ 53a-161 to -162);
10. telephone fraud in the first, second, third, or fourth degree (CGS §§ 53a-125c to -125f);
11. identity theft in the first, second, or third degree (CGS § 53a-129b to -129d);
12. conspiracy or criminal attempt, if the offense which is attempted or is an object of the conspiracy is one of the offenses listed above (CGS §§ 53a-48 & -49);
13. willfully delivering or disclosing certain tax forms or records that the person knows to be fraudulent (CGS § 12-737(b)); or
14. any law in another state or federal government that has elements that are substantially similar to the offenses listed above.

Under the act, registered employees and cannabis establishment, backer, and key employee licensees must provide written notice to DCP about any changes to

the information supplied on the application, generally within five business days after the change. The licensees must also notify the department, in a DCP-prescribed manner, within 48 hours after any arrest or conviction for an offense that constitutes a disqualifying conviction.

The act allows DCP to adopt regulations to implement these provisions and allows it to adopt policies and procedures (see § 32 below) before adopting these regulations.

EFFECTIVE DATE: July 1, 2021

§§ 30 & 31 — CRIMINAL HISTORY CHECKS

Requires all individuals listed on an application to submit to criminal history checks before getting their license; allows DCP to require criminal history checks for license renewals

Beginning July 1, 2021, the act generally requires the DCP commissioner to require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to submit to fingerprint-based state and national criminal history checks before issuing the license. These checks must be conducted under the state's criminal history record checks law. The commissioner may require all these individuals to comply with the same requirements before renewing the license. The act requires DCP to charge applicants a fee equal to the department's cost for the records check.

Alternatively, the act allows the commissioner to accept a third-party local and national criminal background check submitted by an applicant for a backer or key employee license or renewal instead of a fingerprint-based national criminal history records check. The act requires that any of these checks (1) be conducted by a third-party consumer reporting agency or background screening company that complies with the federal Fair Credit Reporting Act and is accredited by the Professional Background Screening Association and (2) include a multistate and multi-jurisdiction criminal record locator or other similar commercial nationwide database with validation, and other background screening the commissioner may require. Applicants must request this background check within 60 days before submitting an application.

EFFECTIVE DATE: July 1, 2021

§ 32 — IMPLEMENTING REGULATIONS AND POLICIES AND PROCEDURES

Requires the DCP commissioner to adopt regulations, policies, and procedures on various cannabis issues (e.g., appropriate serving size limits, labeling and packaging, consumer health materials, laboratory standards, certain prohibitions for minors, certain supply requirements, and product registration)

The act requires the DCP commissioner to adopt regulations to implement the act's provisions. Regardless of the UAPA's regulation adoption process, in order to carry out the act's purposes and protect public health and safety and before adopting the required regulations, the commissioner must issue policies and

procedures to implement the act's provisions. These policies and procedures have the force and effect of law.

At least 15 days before the policies and procedures take effect, the act requires the commissioner to post them on DCP's website and submit them to the secretary of the state (SOTS) to be posted on the eRegulations system. A policy or procedure is no longer effective once SOTS codifies the final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting 48 months after this provision's effective date, whichever occurs earlier.

The act requires the commissioner to issue policies and procedures and then final regulations that:

1. set appropriate dosage, potency, concentration, and serving size limits and delineation requirements for cannabis, as long as a standardized serving of edible cannabis product or beverage, other than a medical marijuana product, contains no more than five milligrams of THC;
2. require that each single standardized serving of cannabis product in a multi-serving edible product or beverage be physically demarked in a way that lets a reasonable person determine how much is a single serving and a maximum THC amount per multiple-serving edible cannabis product or beverage;
3. require that the product, other than cannabis concentrate or a medical marijuana product, contain no more than five milligrams of THC per unit of sale if it is impracticable to clearly demark every standardized cannabis product serving or make each standardized serving easily separable in an edible cannabis product or beverage;
4. establish consumer health materials, in consultation with the Department of Mental Health and Addiction Services (DMHAS), that must be posted or distributed, as the DCP commissioner specifies, by cannabis establishments to maximize dissemination to cannabis consumers (e.g., pamphlets, packaging inserts, signage, online and printed advertisements, advisories, and printed health materials);
5. establish laboratory testing standards;
6. restrict forms of cannabis products and their delivery systems to ensure consumer safety and deter public health concerns;
7. prohibit certain manufacturing methods or additive inclusion in cannabis products, including (a) flavoring, terpenes, or other additives unless DCP-approved or (b) any form of nicotine or other additive containing nicotine;
8. prohibit product types that appeal to children;
9. establish physical and cyber security requirements related to build out, monitoring, and protocols as licensure requirements for cannabis establishments;
10. place temporary limits on cannabis sales in the adult-use market if the commissioner deems it appropriate and necessary to respond to shortages for qualifying patients;
11. require retailers and hybrid retailers to make best efforts to provide access to (a) low-dose THC products, including products that have one milligram and 2.5 milligrams of THC per dose, and (b) high-dose cannabidiol (CBD)

products;

12. require producers, cultivators, micro-cultivators, product manufacturers, and food and beverage manufacturers to register brand names for cannabis under the procedures and subject to the fees in the medical marijuana regulations;
13. prohibit a cannabis establishment from selling, other than medical marijuana product sales between cannabis establishments and cannabis sales to qualified patients and caregivers, (a) cannabis flower or other cannabis plant material with a total THC concentration greater than 30% on a dry-weight basis and (b) any cannabis product other than the flower and plant material with a total THC concentration greater than 60% on a dry-weight basis, except for the sale of prefilled cartridges for use in an electronic cannabis delivery system (DCP may adjust these percentages through regulations for public health purposes or to address market access or shortages); and
14. permit outdoor cannabis cultivation.

The commissioner must also impose policies and procedures and then regulations on labeling and packaging requirements for cannabis that a cannabis establishment sells. These must include:

1. a universal symbol to indicate that a product contains cannabis, and how the product and packaging must use and exhibit the symbol;
2. a disclosure about how long it typically takes for the cannabis to affect an individual, including that certain forms take longer to have an effect;
3. a notation of the amount of cannabis the cannabis product is considered equivalent to;
4. a list of ingredients and all additives for cannabis;
5. child-resistant packaging, including a requirement that an edible product be individually wrapped;
6. product tracking information sufficient to determine where and when the cannabis was grown and manufactured so that a product recall could be effectuated;
7. a net weight statement;
8. a recommended use by or expiration date; and
9. standard and uniform packaging and labeling, including requirements (a) that all packaging be opaque; (b) about branding or logos; and (c) that the amounts and concentrations of THC and cannabidiol (CBD), per serving and per package, are clearly marked on the packaging or label of any cannabis product sold.

EFFECTIVE DATE: Upon passage

§ 33 — CERTAIN ADVERTISEMENTS PROHIBITED

Prohibits cannabis establishments and anyone advertising cannabis products or services from advertising in certain ways (e.g., targeting those under age 21, representing that cannabis has therapeutic effects, sponsoring certain events, and advertising near elementary or secondary schools); requires a warning regarding under age 21 cannabis use; deems violations CUTPA violations

The act prohibits cannabis establishments and any person advertising any cannabis or services related to cannabis from:

1. advertising cannabis, cannabis paraphernalia, or cannabis-related goods or services in ways that target or are designed to appeal to those under age 21 (including having spokespersons or celebrities who appeal to these underage individuals; depicting anyone under age 25 consuming cannabis; using objects such as toys, characters, or cartoon characters to suggest that underage individuals are present; or using any other depiction designed to appeal to someone under age 21);
2. engaging in advertising by means of television, radio, internet, mobile applications, social media, other electronic communication, billboard or other outdoor signage, or print publication unless the advertiser has reliable evidence that at least 90% of the advertisement's audience is reasonably expected to be age 21 or older;
3. engaging in advertising or marketing directed toward location-based devices, including cellphones, unless the marketing is a mobile device application that the owner, who is age 21 or older, installed on the phone and includes a permanent and easy opt-out feature and warnings that cannabis use is restricted to those age 21 and older;
4. advertising cannabis or cannabis products in a manner claiming or implying, or permitting any establishment employee to claim or imply, that the product has curative or therapeutic effects, or that any other medical claim is true, or allowing any employee to promote cannabis for wellness purposes unless (a) the claims are substantiated as set forth in the medical marijuana regulations or (b) a licensed pharmacist or other licensed medical practitioner verbally conveys it during the course of business in, or while representing, a hybrid retail or dispensary facility;
5. sponsoring charitable, sports, musical, artistic, cultural, social, or other similar events or advertising at or in connection with these events unless the sponsor or advertiser has reliable evidence that not more than 10% (a) of the in-person audience is reasonably expected to be under age 21 and (b) of the audience that will watch, listen, or participate in the event is expected to be under age 21;
6. advertising cannabis or cannabis products or paraphernalia in any physical form visible to the public within 500 feet of elementary or secondary school grounds, a recreation center or facility, a childcare center, a playground, a public park, or a library;
7. cultivating cannabis or manufacturing cannabis products for distribution outside of Connecticut in violation of federal law, or advertising in any way to encourage transporting cannabis across state lines or otherwise encouraging illegal activity;
8. except for dispensary facilities and hybrid retailers, exhibiting within or on the outside of the facility used to operate the cannabis establishment, or including in any advertisement, the word "dispensary" or any variation of the term or any other words, displays, or symbols indicating the store,

shop, or business place is a dispensary;

9. exhibiting within or on the outside of the premises subject to the cannabis establishment license or including in any advertisement the words "drug store," "pharmacy," "apothecary," "drug," "drugs," or "medicine shop," or any combination of these terms or other words, displays, or symbols indicating that the business is a pharmacy;
10. advertising on or in public or private vehicles or at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues, including vinyl-wrapped vehicles or signs or logos on transportation vehicles a cannabis establishment does not own;
11. displaying cannabis or cannabis products that are clearly visible to a person from the outside of the facility used to operate the cannabis establishment, or displaying signs or other printed material advertising any brand or any kind of cannabis or cannabis product on the outside of the facility used to operate the cannabis establishment;
12. using radios or loudspeakers, in a vehicle or in or outside the facility used to operate the cannabis establishment, to advertise the sale of cannabis or cannabis products; and
13. operating any website advertising or depicting cannabis, cannabis products, or cannabis paraphernalia unless the website verifies the entrants or users are age 21 or older.

The act requires cannabis establishments' advertisements to have the following warning: "Do not use cannabis if you are under twenty-one years of age. Keep cannabis out of the reach of children." For print or visual mediums, the warning must be conspicuous, easily legible, and take up not less than 10% of the advertisement space. For an audio medium, the warning must be at the same speed as the rest of the advertisement and be easily intelligible.

Under the act, an advertising provision violation is a Connecticut Unfair Trade Practices Act (CUTPA) violation.

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to $5,000 for willful violations and up to $25,000 for a restraining order violation.

EFFECTIVE DATE: July 1, 2021

§ 33 — BRAND NAME REGISTRATION PROHIBITED

Prohibits DCP from registering certain cannabis brand names if they are similar to existing or unlawful products or previously approved cannabis brands

The act prohibits DCP from registering, and allows the department to require revision of, any submitted or registered cannabis brand name that is:

1. identical or confusingly similar to the name of an existing non-cannabis product or unlawful product or substance,
2. confusingly similar to a previously approved cannabis brand name,
3. obscene or indecent, and
4. customarily associated with individuals under age 21.

EFFECTIVE DATE: July 1, 2021

§ 34 — LICENSE APPLICATION AND FEES

Establishes when DCP can accept license applications; sets license fees, which are generally reduced 50% for social equity applicants

Applications

Under the act, the first date that DCP must accept license applications is at least 30 days after the Social Equity Council posts the criteria and supporting documentation needed to qualify as a social equity applicant. (But the act also allows DCP to accept applications within 30 days after the council identifies the criteria and documentation requirements and posts them on its website.) These license applications are for:

1. retailers,
2. hybrid retailers,
3. cultivators,
4. micro-cultivators,
5. product manufacturers,
6. food and beverage manufacturers,
7. product packagers,
8. delivery services, and
9. transporters.

Starting on July 1, 2021, the act allows DCP to accept applications from (1) any dispensary facility to convert its license to a hybrid-retailer license and (2) any producer for authorization to expand its license to engage in the adult use cannabis market.

The DCP commissioner must prescribe the form and manner of application, which must require the applicant to indicate whether he or she wants to be considered a social equity applicant. DCP (1) must post on its website the application period for each license type and (2) may only consider complete and timely applications.

Fees

Establishments. The act sets lottery entry, provisional license, and final license and renewal fees for various cannabis establishment licenses, as the table below shows.

Cannabis Establishment License Fees (for non-social equity applicants)

License Type	*Lottery Entry*	*Provisional License*	*Final License / Renewal*
Retailer Hybrid Retailer Product Packager	$500	$5,000	$25,000
Cultivator	1,000	25,000	75,000
Micro-cultivator	250	500	1,000
Product manufacturer	750	5,000	25,000
Food and Beverage Manufacturer Delivery Service Transporter	250	1,000	5,000

It also sets fees related to converted licenses. With exceptions (see §§ 26 & 145), the license conversion fee for (1) a dispensary facility to become a hybrid retailer is $1 million and (2) a producer to engage in the adult use cannabis market is $3 million. For dispensary facilities that converted to a hybrid retailer, the renewal fee must be the same as the hybrid retailer fee (i.e., $25,000). For any producer, the renewal fee remains the same as under the medical marijuana laws (i.e., $75,000).

Backers and Employees. Under the act, the initial or renewal fee is (1) $100 for a backer or key employee license and (2) $50 for other employee registrations.

Social Equity Applicants. Under the act, fees for social equity applicants for these licenses are 50% of the specified amount for the first three renewal cycles, except applicants must pay the full amount if they are producers expanding to recreational cannabis or dispensary facilities converting to hybrid retailers (§§ 26 & 145). After three renewal cycles, social equity applicants must pay the full amount.

Fee Deposit. For FY 23 and thereafter, the act requires any fee DCP collects to be paid to the State Treasurer and credited to the General Fund, except the conversion and expansion fees must be deposited in the social equity and innovation account (see § 128 below).

EFFECTIVE DATE: July 1, 2021

§ 35 — LICENSE APPLICATION PROCESS, LOTTERY, PROVISIONAL LICENSES, AND FINAL LICENSE

Requires DCP to determine the maximum number of licenses, with 50% reserved for social equity applicants; sets procedures for a license lottery, which must be conducted by a third-party lottery operator; requires the Social Equity Council to confirm applicants qualify as social equity applicants and DCP and the council to review applications for disqualifying conditions; requires DCP to issue provisional and final licenses

Maximum License Determination (§ 35(b))

Under the act, except for cultivator licenses, before DCP starts accepting applications for a license type, it must determine the maximum number of

applications that will be considered for that license type and post the information on its website. DCP must reserve 50% of the maximum number of applications that must be considered for each license type to be (1) selected through a social equity lottery and (2) reserved for social equity applicants.

Lottery and Application Ranking (§ 35(b)-(d))

Under the act, if the application period for a license type closes and DCP received more than the maximum number of applications in total or to be reserved for social equity applicants, a third-party lottery operator must conduct a lottery to identify applications for DCP and the Social Equity Council to review. The act defines a "third-party lottery operator" as a person, or a state higher education institution, that conducts the lotteries, identifies the cannabis establishment license applications for consideration without reviewing them, and has no direct or indirect oversight of, or investment in, a cannabis establishment.

The act requires the lottery operator to conduct a separate lottery for social equity applicants of each license type and a separate independent lottery for each license type that results in each application being randomly ranked starting with one and continuing sequentially. It must also:

1. not be given any application received after the application period closes;
2. give equal weight to every complete application submitted during the application period; and
3. conduct multiple, separate geographic lotteries if DCP requires.

The third-party operator must also rank all applications in each lottery numerically according to the order in which they were drawn, including those that exceed the number considered. The operator must then identify for DCP all applicants to be considered, which must consist of the applications ranked numerically. Under the act, the numerical rankings the third-party lottery operator creates are confidential and not subject to FOIA disclosure.

After receiving the list of social equity applications from the council, DCP must notify the lottery operator, which must then (1) conduct an independent lottery for all remaining applicants for each license type; (2) rank all applications numerically, including those that exceed the number to be considered; and (3) identify for DCP all applications to be reviewed. The number of applications to be reviewed must include the applications ranked numerically one through the maximum number set (see above), provided that if fewer social equity applicants are identified, the maximum number must be the number necessary to ensure that 50% of the applications for each license type identified through the lottery process are social equity applicants.

Social Equity Applicant Review (§ 35(a), (d) & (h))

The act charges the Social Equity Council with (1) reviewing ownership information and any other information needed to confirm an applicant qualifies as one (see criteria in § 1, above) and (2) prescribing the documentation applicants must submit to prove they meet social equity applicant ownership, residency, and

income requirements. By September 1, 2021, the council must post the necessary documentation requirements on its website to inform applicants of the requirements before the application period starts.

Upon receiving a social equity applicant's application (or if a social equity lottery is conducted, after the lottery), DCP must provide to the council the documentation it received from applicants. The act prohibits DCP from providing the council identifying information beyond what the council needs to establish social equity status. The council must then (1) review these applications to determine whether applicants meet the social equity criteria and (2) identify for DCP the applications that qualify and that the department should review for awarding a provisional license.

Applicants Not Meeting Criteria. Under the act, if the council determines that an applicant does not qualify as a social equity applicant, the application must not be reviewed further for a license reserved for social equity applicants. Any application subject to, but not selected through, the social equity lottery process must not be reviewed as a social equity application. Instead, the application must be entered into the other lottery for the license type and may be reviewed further if selected, if the applicant pays the additional amount needed for the full lottery entry fee within five business days after the council notifies the applicant that he or she did not qualify as a social equity applicant. Within 30 days after an applicant is notified of the denial, the applicant may appeal the denial to Superior Court in accordance with the Uniform Administrative Procedure Act (UAPA).

Upon the council's determination that an application selected through the social equity lottery does not qualify, the act requires DCP to ask the lottery operator to identify the next-ranked application in the applicable lottery. This process may continue until the (1) council has identified for further consideration the maximum number of applications DCP sets on its website or (2) lottery indicates there are no more applications for consideration.

Review for Disqualifying Conditions (§ 35(e)-(g))

Under the act, DCP must review each application to be considered, as the third-party operator or council identifies, to confirm it is complete and determine whether any application:

1. includes a backer with a disqualifying conviction or that would result in common ownership in violation of the cap the act sets; or
2. has a backer who individually or in connection with a cannabis business in another state or country has an administrative finding or judicial decision that may substantively compromise the cannabis program's integrity, as DCP determines, or that precludes its participation in the state's cannabis program.

Additional Backers. The act prohibits additional backers from being added to a cannabis establishment application between the time of lottery entry, or any initial license application, and when a final license is awarded. However, if an applicant's or licensee's backer dies, they may apply to replace the deceased individual. If the applicant is a social equity applicant, the council must review

ownership to ensure the replacement would not cause the applicant to no longer qualify as a social equity applicant.

Disqualified Applications. Under the act, if an applicant or an applicant's single backer is disqualified because of the criteria set above, the entire application must be denied. The denial is DCP's final decision, provided backers of the applicant entity named in the lottery application submission may be removed before the applicant submits a final license application, unless the removal would result in a social equity applicant no longer qualifying as such.

If the applicant removes a backer that would cause the applicant to be denied, then the applicant entity must not be denied a license for that reason if the backer is removed within 30 days after DCP's notice about the backer's disqualification. Within 30 days after receiving service of the denial notice, the applicant may appeal to the Superior Court under the UAPA.

If an application is disqualified as described above, the act allows DCP to request that the third-party lottery operator identify the next-ranked application in the applicable lottery. If the denied applicant is a social equity applicant, the council must first review the next-ranked social equity applicant to confirm their qualifications before DCP reviews the applicant. This process may continue until the department has identified for further consideration the number of applications equivalent to the maximum number set on its website. If the number of applications remaining is less than the maximum number posted, DCP may reopen the application period or award fewer licenses. To the extent the denials result in less than 50% of applicants being social equity applicants, DCP must continue to review and issue provisional and final licenses for the remaining applications, but must reopen the application period for social equity applicants only.

Provisional Licenses (§ 35(i))

The act requires that all applicants selected in the lottery and not disqualified be provided a provisional license application, which must be submitted in a form and manner the commissioner prescribes. Applicants must complete their application within 60 days after they receive it and the right to apply for a provisional license is nontransferable.

Review and Issuance. Upon receiving an applicant's provisional application, DCP must review it for completeness and confirm that all information provided is acceptable and complies with applicable requirements and regulations, if adopted.

Under the act, if a provisional application meets the standards, the applicant must be provided a provisional license, which is nontransferable. If the application does not meet the standards or is not completed within 60 days, the applicant must not receive a provisional license. DCP's decision not to award a provisional license is final, but may be appealed under the UAPA. The act specifies that nothing in this provision prevents a provisional applicant from applying for a future lottery.

A provisional license expires after 14 months and is not renewable. Upon granting a provisional license, DCP must notify the applicant of the project labor

agreement the act requires (see § 103 below). A provisional licensee may apply for a final license during the initial application period.

Final License (§ 35(j)-(l))

The act requires final license applications to be submitted on a form and in a manner the DCP commissioner approves and to include the information required thus far in the application process, as well as evidence of the following:

1. a contract with an entity providing an approved electronic tracking system (see § 56),
2. a right to occupy the location where the cannabis establishment will be located,
3. any necessary local zoning approval for the establishment's operation,
4. a certification by the applicant that a project labor agreement (see § 103) will be entered into before construction of any facility the establishment uses for operations,
5. a Social Equity Council-approved social equity plan and workforce development plan,
6. written policies for preventing diversion and misuse of cannabis and sales to underage people,
7. all other security requirements DCP sets based on the specific license type, and
8. a labor peace agreement entered into between the cannabis establishment and a bona fide labor organization (see § 102).

The act allows DCP, at any point before the provisional license expires, to award a provisional licensee a final license for the license type for which the licensee applied. Prior to receiving final license approval, a provisional licensee must not possess, distribute, manufacture, sell, or transfer cannabis. Additionally, DCP may conduct a site inspection before issuing a final license.

The act allows a cannabis establishment to begin operations at any time after receiving a final license, if all other requirements for opening a business in compliance with state law are complete, all employees have been registered, and all key employees and backers have been licensed.

EFFECTIVE DATE: July 1, 2021

§ 36 — CHANGE IN OWNERSHIP REGULATIONS

Requires the Social Equity Council to adopt regulations and policies and procedures to prevent changes of social equity ownership within three years of license issuance

The act requires the Social Equity Council to adopt regulations to prevent, with one exception, a cannabis establishment license awarded to a social equity applicant from being sold to, or changing ownership or control such that it is owned or controlled by someone other than another social equity applicant during the provisional licensure period and for three years after final licensure, except under certain circumstances. The exception is for cases where the backer has died or has a condition, including a physical illness or loss of skill or deterioration due

to the aging process or an emotional disorder or mental illness, that would interfere with the backer's ability to operate.

Regardless of the UAPA's regulation adoption process, before adopting these regulations, the council must issue policies and procedures to implement this provision. The policies and procedures have the force and effect of law. At least 15 days before they take effect, the council must post the policies and procedures on its website and submit them to SOTS for posting on the eRegulations system. A policy or procedure is no longer effective once adopted as a final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting on July 1, 2025, whichever is earlier. The council may refer any violation of these policies and procedures, or regulations relating to the sale or change in ownership, to DCP for administrative enforcement, which may result in a fine of up to $10 million or action against the establishment's license.

EFFECTIVE DATE: July 1, 2021

§ 37 — GROW SPACE REGULATIONS

Requires DCP to adopt policies, procedures, and regulations to establish the maximum grow space a cultivator or micro-cultivator may use

The act requires the DCP commissioner to adopt regulations to establish the maximum grow space allowed for a cultivator and micro-cultivator. In adopting these regulations, the commissioner must seek to ensure an adequate supply of cannabis for the market.

The act requires the DCP commissioner to issue policies and procedures before adopting these regulations, subject to the same requirements described above for the DCP commissioner to adopt policies and procedures (§ 32).

EFFECTIVE DATE: July 1, 2021

§ 38 — CANNABIS BUSINESS ACCELERATOR PROGRAM

Requires the Social Equity Council to develop a cannabis business accelerator program to provide technical assistance to accelerator participants

The act requires the Social Equity Council, in coordination with DCP and DECD, to develop a cannabis business accelerator program to provide technical assistance to participants by partnering them with a cannabis establishment. The council may partner with a state public college or university to develop the program.

The act allows any individual who would qualify as a social equity applicant to apply to participate in the accelerator program. Starting October 1, 2021, the Social Equity Council may accept applications from qualified individuals for the component of the accelerator program corresponding to each of the following five license types: retailer, cultivator, product manufacturer, food and beverage manufacturer, and product packager.

Starting July 1, 2022, the council may accept applications from these same five license types as well as hybrid-retailers and micro-cultivators to partner with

an accelerator participant of the same license type, as long as an accelerator retailer participant may be partnered with either a retailer or hybrid retailer and an accelerator cultivator may be partnered with either a cultivator or micro-cultivator.

Under the act, as part of the cannabis business accelerator program, accelerator participants may be required to participate in training on accounting methods, business services, access to capital markets and financing opportunities, and regulatory compliance. Social equity applicants who have been awarded either a provisional or final license for a cannabis establishment may participate in the training programs.

The council must facilitate opportunities for participants in the cannabis business accelerator program to meet with potential investors. An accelerator participant who has partnered with an establishment must be allowed to participate in any of the cannabis establishment's activities with the same privileges afforded by the cannabis establishment's license to its employees.

The act requires each participant to annually apply for and obtain a registration on a DCP-prescribed form. Participants must do this before participating in any cannabis establishment activity. The Social Equity Council may charge a participant registration fee and determine the program's duration and number of participants.

EFFECTIVE DATE: Upon passage

§ 39 — WORKFORCE TRAINING PROGRAM

Requires the Social Equity Council to develop a workforce training program

The act requires the Social Equity Council, in coordination with DECD and the Department of Labor (DOL), to develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and help individuals who live in a disproportionately impacted area find employment in the cannabis industry.

The council must, in consultation with DECD and DOL:

1. consult with establishments on an ongoing basis to assess their business' hiring needs;
2. develop a universal application for prospective workforce training program enrollees;
3. partner with the regional workforce development boards and higher education institutions to develop workforce training programs;
4. develop a series of cannabis career pathways so that workers may vertically advance their careers within the cannabis industry;
5. partner with associated training providers to track and report performance outcomes (e.g., enrollment, completion, and placement) of participants entering a cannabis workforce training program; and
6. explore the creation of a series of apprenticeship programs for cannabis workers across Connecticut.

Under the act, workforce training program enrollees may opt to have their information provided to establishments as prospective employees upon

completion.
EFFECTIVE DATE: Upon passage

§ 40 — LICENSE AND OWNERSHIP LIMIT

Limits certain individuals to holding or backing two licenses until June 30, 2025

From July 1, 2021, until June 30, 2025, the act prohibits DCP from awarding a cannabis establishment license to any lottery applicant that, when the lottery is conducted, (1) has two or more licenses or (2) includes a backer that has managerial control of, or is a backer for, two or more licensees in the same license type or category for which the applicant has entered the lottery. An ownership interest in an equity joint venture or a social equity partner in accordance with the act is disregarded for purposes of this limitation.

For these purposes, the following licenses are considered in the same category: (1) dispensary facilities, retailers, and hybrid retailers and (2) producers, cultivators, and micro-cultivators.
EFFECTIVE DATE: July 1, 2021

§§ 41-49 — DCP ISSUED CANNABIS LICENSES

Starting July 1, 2021, allows DCP to administer cannabis licenses for retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, product packagers, delivery services or transporter, cultivators, and micro-cultivators; prohibits anyone from acting or representing themselves as one of these licensees without obtaining a license; establishes licensure requirements; allows dispensaries to convert to hybrid retailers and vice versa

Starting July 1, 2021, the act allows DCP to issue or renew licenses for (1) retailers, (2) hybrid retailers, (3) food and beverage manufacturers, (4) product manufacturers, (5) product packagers, (6) delivery services or transporter, (7) cultivators, and (8) micro-cultivators. It prohibits anyone from acting or representing themselves as any of these professions without obtaining a DCP license. The act establishes related licensure requirements (see §§ 34 & 35 for license fees).

The act also:

1. allows a cannabis dispensary facility to convert its license to a hybrid retailer license starting September 1, 2021; and
2. allows a hybrid retailer to convert its license to a dispensary facility if it complies with applicable state laws and obtains DCP approval, thus being able to sell both recreational cannabis and medical marijuana.

EFFECTIVE DATE: July 1, 2021

Retailer and Hybrid Retailer Licenses (§§ 41-43)

The act allows licensed cannabis retailers and hybrid retailers to:

1. obtain cannabis from a cultivator, micro-cultivator, producer, product packager, food and beverage manufacturer, product manufacturer, or

transporter, or an undeliverable return from a delivery service;
2. sell, transport, or transfer cannabis or cannabis products to a delivery service, laboratory, or research program; and
3. deliver cannabis using a delivery service or its own employees, subject to the act's requirements on delivery (see § 21).

The act also allows licensees to sell cannabis to consumers, but:

1. retailers cannot (a) sell medical marijuana products or offer discounts or other inducements to qualifying patients or caregivers or (b) gift or transfer cannabis for free to a consumer as part of a commercial transaction and
2. hybrid retailers cannot gift or transfer cannabis for free to consumers, qualifying patients, or caregivers as part of a commercial transaction.

Pharmacists and Record Keeping. In addition to general retail sales, the act allows hybrid retailers to sell marijuana and medical marijuana products to qualifying patients and caregivers. But it requires these products to be dispensed by a licensed pharmacist and recorded in the state's electronic Prescription Drug Monitoring Program (PDMP).

Under the act, pharmacists or registered dispensary technicians must record the dispensing in the PDMP in real-time, or immediately after completing the transaction. If it is not reasonably feasible to do so, they must record the transaction within one hour after completing it. The act only allows the pharmacists and registered dispensary technicians to upload or access data in the PDMP.

The act also requires hybrid retailers to (1) keep a licensed pharmacist on-site when the retail location is open to the public or qualifying patients and caregivers, (2) include a space for pharmacists to hold private consultations with qualifying patients and caregivers, and (3) accommodate an expedited entry method that allows priority entrance for qualifying patients and caregivers.

Storing Undelivered Products. The act requires retailers and hybrid retailers to have a secure location at their premises where cannabis that an employee or delivery service was unable to deliver can be returned to them. These return locations must be maintained as the DCP commissioner approves and meet specifications she sets and publishes on the agency's website or must be included in DCP regulations.

The act also requires hybrid retailers to return to the inventory, cannabis dispensed to a qualifying patient or caregiver that the delivery service was unable to deliver. They must return them to their inventory system and remove them from the PDMP within 48 hours after they receive the cannabis from the delivery service.

Dispensary Facility Conversion to Hybrid Retailer License (§§ 42 & 43)

Starting September 1, 2021, the act allows a dispensary facility to apply to DCP, on a form and manner the commissioner prescribes, to convert its license to a hybrid retailer license without applying through the lottery system. For conversions to a retailer license, the act requires dispensary facilities to apply

through the lottery.

Under the act, license conversion applicants must submit to DCP, and obtain DCP approval for, a detailed medical preservation plan for how it will prioritize sales and access to medical marijuana products for qualifying patients, including managing customer traffic flow, preventing supply shortages, providing delivery services, and ensuring appropriate staffing levels.

Patient Designation of Dispensaries. Starting October 1, 2021, the act eliminates prior law's requirement that qualifying patients (or parents or guardians of patients who are minors) designate a dispensary facility or hybrid retailer as their exclusive location to purchase cannabis or medical marijuana products. Additionally, the act prohibits DCP from requiring any future change of designated dispensary facility applications.

Under the act, if all dispensary facilities demonstrate to DCP's satisfaction that they are adhering to the real-time upload requirements described below before October 1, 2021, the commissioner may eliminate the requirement to designate dispensary facilities before this date.

PDMP Real-Time Record Keeping. Starting September 1, 2021, the act requires dispensary facilities to have licensed pharmacists dispense cannabis and medical marijuana products sold to qualifying patients and caregivers and record the transaction in the PDMP in a similar way as described above for hybrid retailers (see §§ 41 & 42).

Delivery Services. Starting September 1, 2021, the act permits dispensary facilities and hybrid retailers to apply to DCP to provide delivery services, using a delivery service or their own employees, to qualifying patients, caregivers, research program subjects, hospice and other licensed inpatient care facilities that have DCP-approved protocols for handling and distributing cannabis. Under the act, they may deliver cannabis or medical marijuana products only from their own inventory to qualifying patients and caregivers.

Under the act, a "delivery service" is a person licensed to deliver cannabis from (1) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (2) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, hospices or other inpatient care facilities with a DCP-approved protocol for handling and distributing cannabis.

Applicants must apply to DCP in a form and manner the commissioner prescribes, and if approved, they may begin delivery services starting January 1, 2022. However, the act allows the commissioner to approve delivery services prior to this date if she gives 45 days advanced written notice and publishes the notice on the agency's website.

Direct Consumer Deliveries. Under the act, hybrid retailers may begin delivering cannabis directly to consumers on the date the DCP commissioner allows the first adult use cannabis sales. They may do so through a delivery service or using their own employees, subject to the act's delivery requirements (see § 21).

Public Sales. The act allows DCP-approved dispensary facilities that converted to hybrid retailers to open their premises to the general public and

commence adult use cannabis sales 30 days after cannabis is available for purchase from producers or cultivators that have at least 250,000 square feet of grow space and space used to manufacture cannabis products total. The commissioner must publish this date on DCP's website.

Food and Beverage Manufacturer License (§ 44)

Under the act, food and beverage manufacturers can incorporate cannabis as an ingredient into foods or beverages, but they cannot extract cannabis into a cannabis concentrate or create any product that is not a food or beverage intended for human consumption.

Packaging and Labeling. The act allows food and beverage manufacturers to package or label any food or beverage prepared at their establishment. All products they create must be labeled in accordance with the act's requirements as well as FDA and U.S. Department of Agriculture (U.S. DoAg) requirements.

Transporting Products. The act allows food and beverage manufacturers to sell, transfer, or transport their own products to a cannabis establishment, laboratory, or research program, using an employee or transporter to do so. It prohibits manufacturers from delivering, directly to a consumer or using a delivery service, cannabis, cannabis products, or foods or beverages that incorporate cannabis.

Sanitary Inspections. The act requires food and beverage manufacturers to ensure all equipment they use to manufacture, process, and package cannabis is sanitary and inspected regularly to prevent the adulteration of cannabis in accordance with the requirements of the act, FDA, and U.S. DoAg.

Product Manufacturer (§ 45)

The act allows a product manufacturer to:

1. perform cannabis extractions, chemical synthesis, and all other manufacturing activities the DCP commissioner allows and publishes on DCP's website;
2. package and label cannabis manufactured at its establishment subject to its license; and
3. sell, transfer, or transport its own products to a cannabis establishment, laboratory, or research program if the transportation is performed using its own employees or a transporter.

The act prohibits a product manufacture from delivering any cannabis to a consumer directly or through a delivery service.

The act requires a product manufacturer to label all products it creates in accordance with the commissioner's policies and procedures issued to implement the act, including any regulations and any FDA requirements. Additionally, manufacturers must ensure all equipment used for manufacturing, extracting, processing, and packaging cannabis is sanitary and inspected regularly to deter the adulteration of cannabis in accordance with the act and FDA requirements.

Product Packager License (§ 46)

The act allows a product packager to:

1. obtain cannabis from a producer, cultivator, micro-cultivator, food and beverage manufacturer, or product manufacturer and
2. sell, transfer, or transport cannabis to any cannabis establishment, laboratory, or research program if he or she only transports cannabis packaged at its own establishment using its own employees or a transporter.

Under the act, product packagers (1) are responsible for ensuring that cannabis products are labeled and packaged in compliance with the act and the DCP commissioner's policies and procedures issued to implement it, including any regulations, and (2) must ensure equipment used to process and package cannabis is sanitary and inspected regularly to prevent the adulteration of cannabis.

Delivery Service or Transporter License (§ 47)

When applying for a delivery service or transporter license, the act requires applicants to indicate whether they are applying to transport cannabis (1) between cannabis establishments, in which case the applicant is applying for a transporter license or (2) from certain cannabis establishments to consumers or qualifying patients and caregivers, or a combination of them, in which case the applicant is applying for a delivery service license.

Delivering to Individuals. Under the act, a delivery service may deliver:

1. cannabis from a micro-cultivator, retailer, or hybrid retailer directly to a consumer and
2. cannabis and medical marijuana products from a hybrid retailer or dispensary facility directly to a qualifying patient, caregiver, or hospice, or other licensed inpatient care facility that has DCP-approved protocols for handling and distributing cannabis.

The act prohibits a delivery service from storing or maintaining control of any cannabis or medical marijuana products for more than 24 hours from when a consumer, qualifying patient, caregiver, or facility places an order to delivery.

Delivering Between Establishments. The act allows transporters to deliver cannabis between cannabis establishments, research programs, and laboratories. But when doing so, the transporter can only store or maintain control of the cannabis for 24 hours.

Regulations. The act requires the DCP commissioner to adopt regulations to implement the act's provisions. Before doing so, she must issue implementing policies and procedures, which have the force of law. The commissioner must do this (1) to protect the public's health and safety and (2) regardless of specified UAPA requirements.

The act requires the commissioner to post all implementing policies and procedures on DCP's website and submit them to SOTS to post on the eRegulations System at least 15 days before they take effect. A policy or procedure is no longer in effect once SOTS codifies the final regulation or, if the

regulations have not been submitted to the Regulation Review Committee, starting on July 1, 2025, whichever is earlier.

Under the act, the department's implementing policies and procedures and final regulations must require a delivery service and transporter to meet certain security requirements for:

1. storage, handling, and transport of cannabis;
2. vehicles they use;
3. conduct of their employees and agents; and
4. documentation the service or transporter and its drivers must maintain.

A delivery service must also:

1. maintain an online interface that verifies the consumer's age and meets certain specifications and data security standards, when delivering cannabis to consumers; and
2. verify (and have all its employees and agents verify) the identity of the patient, caregiver, or consumer, and the consumer's age, when delivering cannabis to consumers, qualifying patients, or caregivers, in a way acceptable to the commissioner.

Under the act, the person who places the cannabis order must also accept the order delivery, except for a qualifying patient, who may have his or her caregiver accept the delivery.

Prohibition on Gifts. The act prohibits a delivery service from gifting or transferring cannabis for free to a consumer or qualifying patient or caregiver as part of a commercial transaction.

Delivery Employees. The act requires a delivery service to use full-time employees (i.e., at least 35 hours a week) to deliver cannabis. These employees must be registered with DCP and a service cannot employ more than 25 delivery employees at a time.

Cultivator License (§ 48)

The act allows cultivators to cultivate, grow, and propagate cannabis at an establishment with at least 15,000 square feet of grow space if they comply with the act's grow space requirements (see § 37 above) and the commissioner's required physical security controls and protocols.

They may also label, manufacture, package, and perform extractions on any cannabis they cultivate, grow, or propagate at their licensed establishment (e.g., food and beverage products that incorporate cannabis and cannabis concentrates), as long as they meet all licensure and application requirements for food and beverage manufacturers and product manufacturers.

Additionally, the act allows cultivators to sell, transfer, or transport their cannabis to a dispensary facility, hybrid retailer, retailer, food and beverage manufacturer, product manufacturer, research program, laboratory, or product packager using its own employees or a transporter. But they cannot directly or through a delivery service sell, transfer, or deliver to consumers, qualifying patients, or caregivers.

Micro-Cultivator License (§ 49)

License Scope. The act allows micro-cultivators to sell, transfer, or transport cannabis to a dispensary facility, hybrid retailer, retailer, delivery service, food and beverage manufacturer, product manufacturer, research program, laboratory, or product packager. They must cultivate, grow, and propagate the products and transport them using their employees or a delivery service. It prohibits them from gifting or transferring the products to consumers for free in a commercial transaction.

Under the act, micro-cultivators may also label, manufacture, package, and extract cannabis they cultivate, grow, and propagate at their own licensed establishment, as long as they meet applicable licensure and application requirements for a food and beverage manufacturer, product manufacturer, or product packager.

The act also allows a micro-cultivator to sell its own cannabis to consumers, excluding qualifying patients and caregivers, either by using its own employees or through a delivery service.

Storage of Undelivered Products. The act requires micro-cultivators that deliver products using a delivery service or their own employees to maintain an on-site secure location where undelivered orders may be returned. The return location must be maintained as the commissioner approves and meet the specifications she sets and publishes on the agency's website or must be included in DCP-adopted regulations. A micro-cultivator must stop delivery of cannabis to a consumer if it converts to being a cultivator.

Grow Space Limits. The act allows micro-cultivators to cultivate, grow, propagate, manufacture, and package the cannabis plant at an establishment containing between 2,000 and 10,000 square feet of grow space, before any DCP-authorized expansion, if the micro-cultivator complies with the regulations on grow space (see § 37 above). These micro-cultivators must also meet physical security controls the commissioner sets and requires.

Annual Expansion. The act allows micro-cultivators to annually apply to DCP to expand their grow space in increments of 5,000 square feet if they are not subject to any pending or final administrative actions or judicial findings. If they are, DCP must conduct a suitability review analysis to determine whether to grant the expansion. The department's determination is final and may only be appealed to the Superior Court.

Conversion to Cultivator License. Under the act, micro-cultivators may only annually apply to expand their business until they reach a maximum of 25,000 square feet of grow space. Micro-cultivators who want to expand beyond this may apply to DCP to convert to a cultivator license one year after their last expansion request and are not required to go through the department's lottery application process. DCP must grant a cultivator license to micro-cultivators who meet all application and licensure requirements and pay the license fee.

§ 50 — RELOCATION FOR DISPENSARY OR HYBRID RETAILER

Temporarily allows DCP to deny a change of location for a dispensary facility or hybrid retailer because of patient needs and prohibits the department from approving a relocation that is further than 10 miles from the current location

Before June 30, 2022, the act prohibits the DCP commissioner from approving the relocation of a dispensary facility or hybrid retailer to a location that is further than 10 miles from its current location. Until June 30, 2023, the act allows the DCP commissioner to deny a change of location application from a dispensary facility or hybrid retailer based on the needs of qualifying patients.
EFFECTIVE DATE: July 1, 2021

§ 51 — CONFLICT OF INTEREST AND REVOLVING DOOR PROVISION

Prohibits (1) DCP employees who carry out certain functions and Social Equity Council members and employees from having management or financial interests in the cannabis industry and (2) former council members and employees, former DCP employees, General Assembly members, and statewide elected public officials from being eligible for a cannabis establishment license for two years after leaving state service

The act prohibits specified DCP employees and Social Equity Council members and employees from:

1. having any management or financial interest in the cultivation, manufacture, sale, transportation, delivery, or testing of cannabis in Connecticut (whether directly or indirectly) or
2. receiving any commission or profit from, or having any interest in, purchases or sales made by individuals authorized to do so under the act.

The prohibition applies to those who carry out the licensing, inspection, investigation, enforcement, or policy decisions authorized by the act and its regulations. Under the act, this prohibition does not prevent the covered employees or members from purchasing and keeping in their possession any cannabis for their personal use, or that of their family or guests, to the extent doing so is allowed under the act.

The act also makes former council members and employees, former DCP employees, General Assembly members, or statewide elected public officials, within two years of leaving state service, ineligible to apply either individually or with a group of individuals for a cannabis establishment license.
EFFECTIVE DATE: Upon passage

§ 52 — PROTECTION FOR CANNABIS EMPLOYEES

Protects cannabis establishments and their employees from seizures and forfeitures due to cannabis activities related to their jobs

Regardless of any state law, the act allows a cannabis establishment or its employee to purchase, possess, display, sell, and transport cannabis within the scope of the person's employment, license, or registration. The act deems these actions lawful and not an offense or a basis for seizing or forfeiting assets if the person complies with the applicable license and registration laws and regulations.

EFFECTIVE DATE: July 1, 2021

§ 53 — DISPLAY PROHIBITIONS

Prohibits cannabis establishments from displaying cannabis that is visible to the general public from a public road or on DEEP-managed property

The act prohibits cannabis establishments from displaying cannabis, cannabis products, or drug paraphernalia in a manner that is visible to the general public from a public road not on state lands or waters the Department of Energy and Environmental Protection (DEEP) manages.
EFFECTIVE DATE: July 1, 2021

§ 54 — CANNABIS ESTABLISHMENT POLICIES AND PROCEDURES

Requires each cannabis establishment to establish, maintain, and comply with written policies and procedures on, among other things, handling recalls and crises, ensuring adulterated cannabis is destroyed, and ensuring the oldest cannabis is sold first

The act requires each cannabis establishment to establish, maintain, and comply with written policies and procedures for cultivating, processing, manufacturing, securing, storing, inventorying, and distributing cannabis, as applicable to the specific license type. The policies and procedures must include methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all inventory errors and inaccuracies. Cannabis establishments must include in their written policies and procedures a process for each of the following, if the establishment engages in the activity:

1. handling mandatory and voluntary cannabis recalls to adequately manage (a) recalls due to a commissioner's order or the cannabis establishment's voluntary action to remove defective or potentially defective cannabis from the market or (b) actions taken to promote public health and safety by replacing existing cannabis with improved products or packaging;
2. preparing for, protecting against, and handling any crisis that affects a cannabis establishment facility's security or operation in the event of a strike, fire, flood, or other natural disaster, or local, state, or national emergency;
3. ensuring that any outdated, damaged, deteriorated, misbranded, or adulterated cannabis is segregated from all other inventory and destroyed and its disposition is documented in writing; and
4. ensuring the oldest stock of cannabis is sold, delivered, or dispensed first (but the procedure may permit deviation from this requirement if it is temporary and commissioner-approved).

The act also requires cannabis establishments to (1) store all cannabis in a way to prevent diversion, theft, or loss; (2) make cannabis accessible only to the minimum number of specifically authorized employees essential for efficient operation; and (3) return any cannabis to a secure location at the end of the scheduled business day.

EFFECTIVE DATE: July 1, 2021

§ 55 — ALLOWABLE PURCHASES BY MEDICAL MARIJUANA PATIENTS AND CAREGIVERS

Allows qualifying patients and caregivers to purchase cannabis with higher potency and larger per-transaction or per-day amounts, as the commissioner determines

Under the act, qualifying patients and caregivers must be allowed to buy cannabis of higher potency, varied dosage form, and in a larger per-transaction or per-day amount, as the DCP commissioner determines, than is generally allowed for retail purchases. This determination, if the commissioner makes one, must be posted on DCP's website or included in DCP-adopted regulations.

Regardless of any state law, under the act, the sale or delivery of drug paraphernalia to a qualifying patient or caregiver or person licensed under the act or the medical marijuana laws is not considered a violation of the act.

EFFECTIVE DATE: July 1, 2021

§ 56 — RECORDKEEPING AND ELECTRONIC TRACKING SYSTEM

Requires each cannabis establishment to maintain specified records through an electronic tracking system and establishes narrow conditions under which the records may be released

Recordkeeping

The act requires each cannabis establishment, licensed under the medical marijuana laws or the act, to maintain a record of all cannabis grown, manufactured, wasted, and distributed between cannabis establishments and to consumers, qualifying patients, and caregivers in a form and manner the DCP commissioner prescribes.

Electronic Tracking System

Under the act, the commissioner must require each cannabis establishment to use an electronic tracking system to monitor the producing, harvesting, storing, manufacturing, packaging and labeling, processing, transporting, transferring, and selling of cannabis from the point of its cultivation through the point when the final product is sold to a consumer, qualifying patient, caregiver, research program, or is otherwise disposed of according to the medical marijuana laws or the act or its policies and procedures or regulations. The system must (1) track each cannabis seed, clone, seedling, or other cannabis starter plant or any introduced cannabinoid that a cannabis establishment intends to use and (2) collect the unit price and amount sold for each retail cannabis sale. Cannabis establishments must use the tracking system and enter the data points the commissioner requires to ensure cannabis is safely, securely, and properly labeled for consumer or qualifying patient use. The commissioner may contract with one or more vendors to electronically collect this information.

Disclosures Generally Prohibited

The act prohibits the electronic tracking system from collecting information about an individual consumer, qualifying patient, or caregiver purchasing the cannabis. Under the act, the electronic tracking system's information is confidential and generally must not be subject to disclosure under FOIA. However, the act allows the DCP commissioner to provide reasonable access to cannabis tracking data obtained under this provision to the following individuals and agencies:

1. state agencies and local law enforcement agencies (a) to investigate or prosecute a violation of law or (b) as part of a DCP disciplinary action;
2. public or private entities for research or educational purposes, provided no individually identifiable information is disclosed;
3. the attorney general for any review or investigation; and
4. in the aggregate, the departments of Public Health (DPH) and Mental Health and Addiction Services for epidemiological surveillance, research, and analysis in conjunction with DCP.

The commissioner must provide access to the electronic tracking system to (1) DRS to enforce any tax-related investigations and audits and (2) the Connecticut Agricultural Station for laboratory testing and surveillance.

EFFECTIVE DATE: January 1, 2022

§ 57 — FINANCIAL RECORDKEEPING AND DCP ENFORCEMENT

Requires cannabis establishments to maintain records of their business transactions for the current tax year and the three prior years in an auditable format; gives the DCP commissioner certain powers to supervise and enforce the act's provisions; exempts certain information from FOIA disclosure (e.g., security plans)

The act requires each cannabis establishment to maintain all records needed to fully demonstrate its cannabis business transactions for the current tax year and the three immediately prior, all of which must be made available to DCP as described below.

The commissioner may require (1) any licensee to provide the information she considers necessary for the act's proper administration and (2) an audit of any cannabis establishment at its own expense.

Under the act, each cannabis establishment, and each person in charge or with custody of its documents, must maintain the documents in an auditable format for the current tax year and the three preceding tax years. Upon request, the person must (1) make the documents immediately available for inspection and copying by the commissioner, any enforcement agency, or other entity the act authorizes to do so and (2) produce copies of the documents to the commissioner or her authorized representative within two business days. The documents must be provided in electronic format unless it is not commercially practical. In keeping any required document or complying with these provisions, the act prohibits anyone from using a foreign language, codes, or symbols to designate cannabis,

or cannabis product types or individuals.

The act allows the commissioner, for purposes of supervising or enforcing the act's provisions, to:

1. enter any place, including a vehicle, where cannabis is held, sold, produced, delivered, transported, manufactured, or otherwise disposed of;
2. inspect a cannabis establishment and all pertinent equipment, finished and unfinished material, containers, and labeling, and all things in the location, including records, files, financial data, sales data, shipping data, pricing data, employee data, research, papers, processes, controls, and facilities; and
3. inventory any cannabis stock and obtain samples of any cannabis, labels or containers, paraphernalia, and of any finished or unfinished material.

Except when otherwise provided under the act, all records maintained or kept on file related to the act by DCP or the Social Equity Council are public records for FOIA purposes.

In addition to the nondisclosure provisions under the act, FOIA, and medical marijuana laws, any information related to the following is not subject to FOIA disclosure: (1) a cannabis establishment's physical security plans or an individual applicant's criminal background DCP obtains through the licensing process, (2) a cannabis establishment's supply and distribution information, and (3) qualified patient and caregiver information.

EFFECTIVE DATE: July 1, 2021

§ 58 — DCP DISCIPLINARY ACTIONS

Allows the DCP commissioner, for sufficient cause, to take certain disciplinary actions, including suspending or revoking a credential or issuing fines; generally exempts information from DCP inspections and investigations from FOIA disclosure

Disciplinary Actions

The act allows the DCP commissioner, for sufficient cause, to suspend or revoke a license or registration, issue fines of up to $25,000 per violation, accept an offer in compromise, refuse to grant or renew a license or registration issued under the act, place a licensee or registrant on probation, place conditions on a licensee or registrant, or take other actions the law permits.

Under the act, information from DCP inspections and investigations related to administrative complaints or cases is generally not subject to FOIA disclosure, except after DCP has entered into a settlement agreement or closed a case on an investigation or inspection. Nothing in this provision prevents DCP from sharing information with other state and federal agencies and law enforcement relating to investigations of law violations.

Sufficient Cause

Under the act, actions that constitute sufficient cause for disciplinary action by the commissioner include:

1. furnishing false or fraudulent information in an application or failing to comply with representations made in an application, including medical preservation plans and security requirements;
2. a civil judgment against, or disqualifying conviction of, a cannabis establishment licensee, backer, key employee, or license applicant;
3. failure to maintain effective controls against diversion, theft, or loss of cannabis, cannabis products, or other controlled substances;
4. discipline by any federal, state, or local government, or pending disciplinary actions or unresolved complaints against a cannabis establishment licensee, registrant, or applicant regarding any professional license or registration issued by such government;
5. failure to keep accurate records and accounts for the cultivation, manufacture, packaging, or sale of cannabis;
6. the denial, suspension, or revocation of a license or registration, or the denial of a license or registration renewal, by a federal, state, or local government or foreign jurisdiction;
7. false, misleading, or deceptive representations to the public or the department;
8. the return of any cannabis to regular stock after (a) its package or container has been opened, breached, tampered with, or otherwise adulterated or (b) it has been previously sold to an end user or research program subject;
9. involvement in a fraudulent or deceitful practice or transaction;
10. performance of incompetent or negligent work;
11. failure to maintain the entire cannabis establishment premises or laboratory and contents in a secure, clean, orderly, and sanitary condition;
12. permitting another person to use the licensee's license;
13. failure to properly register employees or license key employees, or failure to notify the department about a change in key employees or backers;
14. an adverse administrative decision or delinquency assessment against the cannabis establishment from DRS;
15. failure to cooperate or give information to DCP, local law enforcement authorities, or any other enforcement agency on any matter arising out of conduct at a cannabis establishment's premises or laboratory or in connection with a research program;
16. advertising in a prohibited manner (see § 33); or
17. failure to comply with any provision of the act or any DCP-issued policies and procedures or regulations adopted under the act.

Revocation or Denial

If the commissioner refuses to issue or renew a license or registration, she must notify the applicant about the denial and his or her right to request a hearing within 10 days after receiving the denial notice. If the applicant requests a hearing within the 10-day period, the commissioner must (1) give notice of the grounds for the refusal and (2) conduct a hearing on the refusal under the UAPA's

procedures for contested cases.

If the commissioner's denial is sustained after the hearing, an applicant may not apply for a new cannabis establishment, backer, or key employee license or employee registration for at least one year after the date the denial was sustained. The act also prohibits a person whose license or registration has been revoked from applying for a license or registration for at least one year after the revocation.

Under the act, the voluntary surrender or failure to renew a license or registration does not prevent the commissioner from suspending or revoking the license or registration or imposing other penalties the act allows.

EFFECTIVE DATE: July 1, 2021

§ 59 — DCP REGULATIONS, POLICIES, AND PROCEDURES

Allows the DCP commissioner to adopt (1) implementing regulations and (2) policies and procedures before adopting regulations

The act allows the DCP commissioner to adopt regulations, including emergency regulations, to implement the act's provisions.

Regardless of the UAPA's regulation adoption process, before the regulations are adopted, the act requires the commissioner to (1) adopt policies and procedures to implement the act's provisions that have the force and effect of law, (2) post them on DCP's website, and (3) submit them to SOTS to post on the eRegulations system at least 15 days before they take effect. The policy or procedure is no longer effective once the final regulation is codified or, if the regulations have not been submitted to the Regulations and Review Committee, starting 48 months from this provision's effective date, whichever occurs earlier.

EFFECTIVE DATE: Upon passage

§ 60 — DCP RECOMMENDATIONS ON ON-SITE CONSUMPTION AND EVENTS

Requires DCP to make written recommendations to the governor and the legislature on whether to allow on-site consumption or events that allow cannabis usage

The act requires DCP, by January 1, 2023, to make written recommendations to the governor and the General Law, Judiciary, and Finance, Revenue and Bonding committees on whether to authorize on-site consumption or events that allow for cannabis usage, including whether to establish a cannabis on-site consumption or event license.

EFFECTIVE DATE: July 1, 2022

§ 61 — MATERIAL CHANGE

Requires anyone who enters into a transaction that results in a material change to a cannabis establishment to file a written notice with the attorney general and serve a waiting period

The act requires anyone who enters into a transaction, either directly or indirectly, that results in a material change to a cannabis establishment to file a written notice with the attorney general and serve a specified waiting period.

Under the act, "material change" means:

1. the addition of a backer;
2. a change in an existing backer's ownership interest;
3. the merger, consolidation, or other affiliation of a cannabis establishment with another such establishment;
4. the acquisition of all, or part of, a cannabis establishment by another such establishment or backer; and
5. the transfer of assets or security interests from a cannabis establishment to another such establishment or backer.

"Transfer" means to sell, transfer, lease, exchange, option, convey, give, otherwise dispose of, or transfer control over, including by way of merger or joint venture not in the ordinary course of business.

Written Notice

The act requires the written notice to be in a form and contain the documents and information on the proposed transaction the attorney general deems necessary and appropriate for him to determine if the transaction would violate antitrust laws.

By law, the attorney general may, among other things, investigate proposed transactions for compliance with antitrust laws and require parties to provide relevant information through subpoenas and written interrogatories (CGS § 35-42).

Waiting Period

The act requires a waiting period before the transaction is complete. The period begins on the day the attorney general receives the completed notice from all parties to the transaction (see above) and generally ends after 30 days, unless the attorney general extends it or, in individual cases, ends the waiting period and lets the transaction to go forward.

The attorney general may, before the 30-day waiting period expires, extend the waiting period by requesting more material on the proposed transaction. This extends the waiting period until 30 days after the parties have substantially complied with the request, as determined by the attorney general.

Disclosure Prohibited

Under the act, any information or documents filed with the attorney general are not disclosable under FOIA and must not be made public, except as may be relevant to an administrative or judicial action or proceeding.

The act requires the information or documents to be returned to the person who provided them when the attorney general's review ends or the final

determination is made in an action or proceeding that began as a result.

Penalty

Under the act, any person, officer, director, or partner, who fails to comply with any portion of these material change provisions is liable to the state for a civil penalty of up to $25,000 for each day they are in violation. The penalty may be recovered in a civil action brought by the attorney general.

Under the act, if any person, officer, director, partner, agent, or employee fails substantially to comply with the notification requirement or any request to submit additional information or documents within the waiting period, the court:

1. may order compliance;
2. must extend the waiting period until there has been substantial compliance, except that, in the case of a tender offer (i.e. public bid for stockholders to sell their stock), the court may not extend the waiting period based on a failure by the person whose stock is sought to be acquired to comply substantially with the notification requirement or request; and
3. may grant other equitable relief as the court determines necessary or appropriate, upon application of the attorney general.

EFFECTIVE DATE: July 1, 2021

§ 62 — ELECTRICITY USAGE REPORT AND RENEWABLE ENERGY

Requires a cannabis establishment to annually report its electricity usage and purchase renewable energy to the extent possible

The act requires each cannabis establishment to annually report publicly, in a manner the DCP commissioner prescribes, (1) its annual electricity usage and (2) what fraction of its electricity usage is generated from Class I Renewable Portfolio Standards produced in the state through the Regional Greenhouse Gas Initiative (RGGI) agreement.

The act requires each cannabis establishment, to the greatest extent possible, to purchase electricity generated from Class I Renewable Portfolio Standards produced in the states that are party to the RGGI agreement.

EFFECTIVE DATE: July 1, 2022

§ 63 — DEPARTMENT OF BANKING REPORTING REQUIREMENT

Requires the banking commissioner to report legislative recommendations to the governor and legislature on cannabis establishments' use of electronic payments and access to banking institutions

By January 1, 2022, the act requires the banking commissioner, in consultation with the DCP commissioner, to report to the governor and Banking, Judiciary, and Finance, Revenue and Bonding committees on recommended legislation (1) to implement the act, (2) facilitate the use of electronic payments

by cannabis establishments and consumers, and (3) on access for cannabis establishments to depository banking and commercial mortgages.
EFFECTIVE DATE: Upon passage

§ 64 — INSURANCE REPORT

Requires the Insurance Commissioner to report to the governor and Insurance and Real Estate Committee on cannabis establishments' access to insurance

By January 1, 2022, the act requires the Insurance Commissioner to report to the governor and Insurance Committee and Real Estate on cannabis establishments' access to insurance.
EFFECTIVE DATE: Upon passage

§ 65 — ALCOHOL AND DRUG POLICY COUNCIL REPORT

Requires the Alcohol and Drug Policy Council to make recommendations to the governor and legislature on (1) efforts to promote certain cannabis-related public health initiatives and (2) data collection for certain reviews

By January 1, 2023, the act requires the Alcohol and Drug Policy Council, jointly with the departments of Public Health, Mental Health and Addiction Services, and Children and Families, to make recommendations to the governor and the Public Health, Judiciary, and Finance, Revenue and Bonding committees on:

1. efforts to promote public health and science-based harm reduction, mitigate misuse and the risk of cannabis addiction, and effectively treat cannabis addiction with a focus on individuals under age 21;
2. the collection and reporting of data to allow for epidemiological surveillance and review of cannabis consumption and its impact in the state;
3. impacts of cannabis legalization on people under age 21, specifically their education and mental, social, and emotional health; and
4. any further measures the state should take to prevent cannabis use by people under age 21, including product restrictions and prevention campaigns.

EFFECTIVE DATE: Upon passage

§§ 66-71 & 77 — MEDICAL MARIJUANA PATIENTS, CAREGIVERS, AND HEALTH CARE PROVIDERS

Allows medical marijuana patients age 18 or older to grow cannabis plants in their homes under specified conditions; allows patients and caregivers to possess up to five ounces of marijuana; eliminates the requirement for patients to select a dispensary; eliminates the requirement that caregivers only obtain marijuana from dispensaries; broadens conflict of interest restrictions on physicians or APRNs who certify patients for medical marijuana

Home Cultivation, Possession Limit, and Source of Marijuana

The act allows qualifying medical marijuana patients who are at least age 18 to cultivate up to six cannabis plants in their primary residence at a given time (specifically, up to three mature and three immature plants), if they keep the plants secure from access by anyone other than the patient and his or her caregiver. In addition, the act limits each household to no more than 12 cannabis plants. The act specifies that patients who cultivate marijuana at home must comply with these requirements and any applicable regulations (in addition to other requirements under existing law) in order to be afforded the law's protections for medical marijuana patients.

It allows each medical marijuana patient, along with his or her caregiver, to possess up to five ounces of marijuana. Prior law instead allowed them to possess a one-month supply as determined through regulations. The act also eliminates the requirement for patients (or parents or guardians of minors) to select a dispensary from which they will purchase marijuana.

Patient Caregivers

The act updates terminology by referring to a patient's "caregiver" rather than "primary caregiver." As under prior law, this is someone at least age 18, other than the patient or the patient's physician or advanced practice registered nurse (APRN), who is responsible for managing the patient's well-being with respect to medical marijuana use.

The act eliminates the requirement for caregivers to only obtain marijuana from a licensed dispensary, corresponding to the act's other changes adding to the types of businesses authorized to sell marijuana (e.g., hybrid retailers).

Physician or APRN Prohibited Financial Interests

The law prohibits physicians or APRNs who certify patients for medical marijuana use from having a financial interest in a dispensary or producer. The act extends this prohibition to include other cannabis establishments licensed under the act, except for retailers and delivery services.

EFFECTIVE DATE: July 1, 2021, except for the provisions changing certain definitions, authorizing home cultivation, and eliminating the requirement for a patient to select a dispensary, which are effective October 1, 2021.

§§ 66, 72, 73 & 82 — DISPENSARY FACILITIES

Makes various minor, technical, and conforming changes transferring many of prior law's requirements for a licensed dispensary to a dispensary facility; expands the types of entities from whom a dispensary facility may acquire marijuana; requires a dispensary facility or hybrid retailer employee to transmit dispensing information in real-time or within one hour

The act codifies the "dispensary facility" definition currently in state regulations and allows a "licensed dispensary" or "dispensary" to be employed by a hybrid retailer (see § 42 above). As under existing law, a licensed dispensary or

dispensary must be a licensed pharmacist.

Under the act, a "dispensary facility" means a DCP-licensed place of business where marijuana may be dispensed, sold, or distributed to qualifying patients and caregivers in accordance with the medical marijuana laws and regulations.

The act prohibits anyone (individual or entity) who is not licensed by DCP as a dispensary facility from acting as one or representing that he or she is a dispensary facility.

EFFECTIVE DATE: October 1, 2021, except the provisions on facility licensing requirements are effective July 1, 2021.

Facility Licensing Requirements

The act transfers many of prior law's requirements for a licensed dispensary to the dispensary facility.

In this transfer, the act increases the renewal period of a facility license from one to two years. But as under prior law, the act requires the DCP commissioner to establish, among other things, licensing and renewal fees for facilities that are at least the amount needed to cover the direct and indirect licensing and regulating costs.

Finally, the act requires the facility, rather than the dispensary, to annually report to DCP, in a form the commissioner prescribes, data related to the types of mixtures and dosages of medical marijuana the facility dispenses.

The act makes various other minor, technical, and conforming changes to transfer these requirements.

Acquisition and Distribution (§ 73)

The act expands the types of entities from which a dispensary facility or its employee may acquire marijuana by allowing them to receive marijuana from a cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, or transporter, in addition to a producer as under existing law.

Prior law prohibited dispensaries from distributing or dispensing marijuana to anyone other than certain individuals or facilities (e.g., qualifying patients or approved hospice or research facilities). The act instead applies this prohibition to dispensary facilities transferring or transporting marijuana. It also allows these facilities to transfer or transport marijuana to delivery services and transporters.

Transmitting Dispensing Information

The act requires a licensed pharmacist working as a dispensary facility or hybrid retailer employee to transmit dispensing information, in a manner the commissioner prescribes, on any cannabis sold to a qualifying patient or caregiver. He or she must do so in real-time or immediately after completing the transaction, unless it is not reasonably feasible for a specific transaction, but in no case longer than one hour after completing the transaction.

§§ 66 & 76 — MEDICAL MARIJUANA QUALIFYING CONDITIONS AND BOARD OF PHYSICIANS

Allows the DCP commissioner to add to the list of qualifying medical marijuana conditions without adopting regulations; specifies that she has the discretion to accept or reject the physician board's recommendations; eliminates the requirement for the board to hold hearings at least twice a year

Starting October 1, 2021, the act allows the DCP commissioner, without adopting regulations, to add to the list of medical conditions that qualify for medical marijuana use. Under the act, she must post new qualifying conditions on the department's website. When she does so, her approval takes effect without further action.

As required by law, DCP has established a board of physicians knowledgeable about medical marijuana use. Among other duties, the board (1) holds public hearings and evaluates petitions requesting additions to the list of conditions that qualify for medical marijuana use and (2) makes related recommendations to DCP.

By law, one of the board's duties is to review and recommend to DCP for approval any debilitating medical conditions to be added to the list of qualifying conditions (not just those that are subject to a petition). The act specifies that the commissioner has the discretion to accept or reject the board's recommendations.

The act also eliminates the requirement for the board to hold public hearings at least twice annually, instead requiring the board to do so as necessary.

EFFECTIVE DATE: October 1, 2021

§§ 66, 78 & 80 — LABORATORIES

Specifies that a laboratory analyzing marijuana must have a specific license to do so, separate from the general licensure for controlled substances laboratories and limits them to analyzing marijuana; requires marijuana laboratories to (1) be independent from all parties involved in the marijuana industry and (2) maintain all minimum security and safeguard requirements for storing and handling controlled substances

Laboratory Licensing

Under existing law, laboratories that analyze marijuana must be licensed by DCP. The act specifies that this is a separate licensure from the general license for controlled substances laboratories and limits them to analyzing marijuana. The act prohibits anyone (individual or entity) who is not licensed by DCP as a marijuana laboratory from acting as one or representing that he or she is such a laboratory.

Beginning on October 1, 2021, existing laboratories may continue operations if they have (1) been granted DCP approval as of that date and (2) applied to the DCP commissioner for licensure as the commissioner prescribes. These laboratories may continue to act as a laboratory until DCP approves or denies the licensure application.

Employee Registration

The act also requires laboratory employees to be registered rather than licensed, as under prior law.

Independence

Under the act, a laboratory must be independent from all involved in the marijuana industry in Connecticut. This means that no person with a direct or indirect financial, managerial, or controlling interest in the laboratory may have a direct or indirect financial, managerial, or controlling interest in a cannabis establishment or any other entity that may benefit from the laboratory test results for a cannabis or marijuana sample or product.

Security and Safeguards

The act requires a laboratory to maintain all minimum security and safeguard requirements for storing and handling controlled substances as a laboratory licensed to provide analyses of controlled substances.

Acquisition and Distribution

The act expands the entities a laboratory or its employee may acquire marijuana from to include all cannabis establishments, rather than just licensed producers and dispensaries and research programs. This expansion includes cultivators, micro-cultivators, retailers, hybrid retailers, food and beverage manufacturers, product manufactures, product packagers, and delivery services or transporters.

Additionally, the act allows a laboratory or its employee to deliver, transport, or distribute marijuana to a cannabis establishment that was the establishment where the marijuana was originally acquired, in addition to a research program as under existing law.

Immunity

Additionally, the act immunizes licensed laboratories or their employees in the same manner as producer licenses (see above) for transferring marijuana to any type of cannabis establishment, not just dispensaries, producers, or research programs.

EFFECTIVE DATE: July 1, 2021, except that the provisions (1) requiring a separate laboratory license, (2) limiting laboratories to analyzing marijuana, and (3) prohibiting laboratory operations without a license and requiring regulations to be adopted are effective October 1, 2021.

§§ 66, 79 & 81 — MEDICAL MARIJUANA RESEARCH PROGRAMS

Expands the list of entities that may oversee or administer medical marijuana research programs; expands the list of entities from whom these programs may acquire marijuana, or to whom they may deliver it; requires research program employees to be registered rather than licensed

Existing law allows the DCP commissioner to approve medical marijuana research programs that meet certain requirements, including that the programs be overseen or administered by certain types of entities.

The act adds the following to the list of entities that may serve this function: cannabis micro-cultivators, cultivators, food and beverage manufacturers, product packagers, product manufacturers, hybrid retailers, and retailers. It also specifies that dispensary facilities, rather than individual dispensaries (pharmacists), may serve this function (corresponding to the act's other changes on dispensary facilities described above). Under existing law, medical marijuana research programs may also be overseen or administered by DPH-licensed hospitals or health care facilities, higher education institutions, and medical marijuana producers.

Prior law allowed research programs and their employees to acquire marijuana from producers, dispensaries, and laboratories. The act instead allows them to acquire it from any cannabis establishment or laboratories. In addition, prior law allowed research programs and their employees to deliver or distribute marijuana to producers, dispensaries, and research program subjects. The act broadens this to also include any cannabis establishment or laboratories. It makes corresponding changes to research program employees' scope of legal protections.

Additionally, the act requires research program employees to be registered with DCP, rather than licensed as under prior law. It removes an obsolete provision on temporary registration before DCP's regulations take effect.

EFFECTIVE DATE: July 1, 2021, except for provisions changing certain definitions, which are effective October 1, 2021.

§ 74 — PRODUCERS

Expands the entities a producer or its employee may sell to and immunizes them when acting within the scope of employment

The act expands the entities to which a producer or its employee may sell, deliver, transport, or distribute marijuana to include all cannabis establishments, rather than just licensed dispensaries. As under existing law, they may also sell, deliver, or transport marijuana to laboratory or research organizations.

Under prior law, licensed producers and their employees, when acting within the scope of employment, were immunized from certain penalties, for cultivating, selling, delivering, transporting, or distributing marijuana to a licensed dispensary. The act expands this immunity to transferring marijuana and covers these actions to all cannabis establishments, laboratories, or research programs. As under existing law, they are immunized from being arrested, prosecuted, or otherwise penalized, including being subject to civil penalties, or denied any right or privilege, including being disciplined by a professional licensing board.

EFFECTIVE DATE: July 1, 2021

§ 75 — DEPARTMENT OF CONSUMER PROTECTION (DCP) MEDICAL MARIJUANA REGULATIONS

Requires the DCP commissioner to adopt or amend regulations, as applicable, to implement the act's changes to the medical marijuana laws and requires her to adopt policies and procedures before the regulations are finalized

The act requires the DCP commissioner to adopt or amend regulations, as applicable, to implement the act's changes to the medical marijuana laws. Regardless of the UAPA's regulation adoption process, before amending regulations the commissioner must adopt policies and procedures to implement the act's changes to the medical marijuana laws and protect public health and safety.

EFFECTIVE DATE: October 1, 2021

Policies and Procedures

Before adopting or amending the regulations the commissioner must adopt policies and procedures that, under the act, have the force and effect of law. She must post all policies and procedures on DCP's website and submit them to SOTS to post on the eRegulations System at least 15 days before the policy or procedure's effective date. A policy or procedure is no longer effective once SOTS codifies the final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting October 1, 2025, whichever occurs earlier.

The act requires DCP to adopt regulations to:

1. establish requirements for the growing of cannabis plants by a qualifying patient in his or her primary residence, including requirements for securing the plants to prevent access by anyone other than the patient or the patient's caregiver, the plants' location, and any other requirement needed to protect public safety or health and
2. ensure an adequate supply and variety of marijuana to dispensary facilities and hybrid retailers to ensure uninterrupted availability for qualifying patients, based on historical marijuana purchase patterns by qualifying patients.

It also expands the regulation requirements for developing a distribution system to (1) provide for transferring marijuana between dispensary facilities and (2) allow distribution to qualifying patients or their caregivers by additional entities, including hybrid retailers and delivery services.

The act eliminates the requirement that the regulations:

1. establish any additional information qualifying patient and caregiver registration certificates must contain;
2. define protocols for determining how much usable marijuana constitutes an adequate supply to ensure uninterrupted availability for one month, including amounts for topical treatments;
3. establish a process for public comment and public hearings before the

physician board on the addition of medical conditions, treatments, or diseases to the list of debilitating conditions; and

4. specify additional medical conditions, treatments, or diseases that qualify as debilitating conditions, as the physician board recommends.

§§ 83 & 84 — MUNICIPAL AUTHORITY

Addresses various issues on municipalities' authority to regulate cannabis, such as (1) requiring them, upon petition of 10% of their voters, to hold a local referendum on whether to allow the recreational sale of marijuana; (2) barring them from prohibiting the delivery of cannabis by authorized persons; (3) allowing them to charge retailers for certain initial public safety expenses; and (4) allowing them to prohibit cannabis smoking in outdoor sections of restaurants

Local Referendum (§ 83(a))

Under the act, a municipality must hold a referendum on whether to allow certain cannabis sales if at least 10% of its electors petition for such a vote at least 60 days before a regular election. Specifically, these votes must determine whether to allow (1) the recreational sale of marijuana in the municipality or (2) the sale of marijuana in one or more of the cannabis establishment license types. The ballot designations are as follows:

> "Shall the sale of recreational marijuana be allowed in .... (Name of municipality)?" or "Shall the sale of cannabis under (Specified license or Licenses) be allowed in .... (Name of municipality)?" or "Shall the sale of recreational marijuana be prohibited (No Licenses) in .... (Name of municipality)?"

The act requires the referendum and ballots' form to conform to existing procedures. The results take effect on the first Monday of the month after the election and stay in effect until another vote is taken. The act allows a vote to occur at a special election, following existing procedures, if at least one year has passed since the previous vote.

Under the act, existing laws on absentee voting at referenda apply to these votes. Also, these referenda do not affect any class of cannabis establishments already allowed in a municipality.

Delivery and Transport (§ 83(b))

The act bars municipalities from prohibiting the delivery of cannabis to (1) consumers or (2) qualifying patients or their caregivers, if the delivery is made by someone authorized to do so under the act (e.g., retailers, dispensary facilities, or delivery services).

The act also bars municipalities from prohibiting the transport of cannabis to, from, or through the municipality by anyone licensed or registered to do so.

Ban on Certain Actions and Local Host Agreements (§ 83(c))

The act prohibits municipalities or local officials from conditioning any

official action on, or accepting any donations from, any cannabis establishment or applicants for cannabis establishment licenses in the municipality. The act also bars municipalities from negotiating or entering into a local host agreement with a cannabis establishment or license applicant in the municipality. (Generally, local host agreements between a municipality and business establish conditions for a business's operation.)

Charge for Initial Public Safety Costs (§ 83(d))

The act allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to $50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

Regulation of Smoking and Cannabis Use (§ 84)

Existing law allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned property. The act broadens this to include property that a municipality controls but does not own. It specifies that this regulatory authority applies to (1) smoking tobacco or cannabis, including cannabis e-cigarette use (i.e., electronic delivery systems and vapor products) and (2) other types of cannabis use or consumption.

For municipalities with more than 50,000 people, if they regulate the public use of cannabis, the regulations must designate a location in the municipality where public consumption is allowed. The act also allows municipalities, through regulations, to ban cannabis smoking (including e-cigarette use) at outdoor sections of restaurants.

Under the act, these regulations may set fines for violations, up to (1) $50 for individuals or (2) $1,000 for businesses.

EFFECTIVE DATE: July 1, 2021, except the smoking and related provisions are effective October 1, 2021.

§§ 85, 161, 166, 169 & 171-172 — PRETRIAL DRUG INTERVENTION AND COMMUNITY SERVICE PROGRAM

Sunsets an existing pretrial program but establishes a similar program for people charged with drug possession and paraphernalia crimes

The act sunsets the current pretrial drug education and community service program for people charged with certain drug crimes, but establishes a new, generally similar program. In addition to drug possession or paraphernalia crimes as under the current program, the new program is also open to applicants charged with failure to keep lawfully prescribed or dispensed narcotic drugs in their original or approved container.

The act prohibits courts from granting an application to participate in the current program starting on April 1, 2022 (the date the new program takes effect). But it allows anyone participating in the current program on that date to continue

doing so until he or she completes the program or stops participating after any possible reinstatements.

The act makes several related minor, technical, and conforming changes.

EFFECTIVE DATE: April 1, 2022, except (1) the provision sunsetting the current program is effective upon passage and (2) a conforming change is effective July 1, 2021.

Overview (§§ 166 & 169)

In many respects, the new program is like the current one. For example:

1. a person is generally ineligible for the program if he or she has already participated in it (or certain other programs) twice, but the judge may allow participation a third time if the person shows good cause;
2. the court may approve a defendant's application for the program after considering the prosecutor's recommendations, subject to eligibility confirmation, and the program's duration is generally limited to one year;
3. to determine appropriate education or treatment, eligible applicants are evaluated by (a) the Department of Mental Health and Addiction Services; (b) for third-time participants, a licensed substance use treatment provider; or (c) for certain veterans, the federal or state Veteran's Affairs departments; and
4. program participants must agree to the suspension of the statute of limitations, waive their right to a speedy trial, enter the program within 90 days of the court order unless granted a delay, and complete the program (the act specifically requires applicants to also agree not to engage in conduct that violates the drug possession, paraphernalia, or narcotic container laws).

Both the current and new programs include drug education, substance abuse treatment, and community service. The new program includes a 12-session drug education component, while the current program has 15; both programs include a 15-session treatment component.

Under both the current and new programs, (1) first- and second-time participants may be ordered to participate in either the drug education or treatment components, (2) third-time participants must be ordered into treatment, (3) a participant may be required to complete additional treatment to complete the program, and (4) all participants must complete community service.

In most respects, the fees are the same under the current and new programs. But the nonrefundable program fee for the education component is $400 for the new program, as compared with $600 for the current program. For both the new and current programs, (1) the fees must be credited to the pretrial account, a separate, nonlapsing account of the General Fund, and (2) the court is allowed to waive fees for indigent applicants. The act specifies that if the court waives program fees, it may not require the participant to perform community service instead of paying the fee.

The act specifies the information that (1) program component providers must give the Court Support Services Division (CSSD) and (2) the division, in turn,

must include in its final progress report to the court.

Interaction With Impaired Driving Program

The act allows the Department of Mental Health and Addiction Services (DMHAS) to combine the services for the new program's drug education component with the services for the alcohol education component of the new impaired driving intervention program (see § 167) if needed to ensure appropriate and timely access to these components. The act also specifies that participation in DMHAS-provided combined drug and alcohol education services under the new drug intervention program does not affect the person's eligibility for the new impaired driving intervention program.

Under the act, if a person applies for both new programs for charges arising from the same arrest, and DMHAS has already completed the required evaluation and determination of the appropriate education or treatment component under the impaired driving program, the court and CSSD may rely on that for the drug program. If the court and CSSD rely on the other program's evaluation, the applicant is not required to also pay an evaluation fee for this program.

If a person is placed in both new programs for the same arrest, the act allows the court to find that the person's successful completion of the alcohol education or treatment component of the impaired driving program satisfies the education or treatment component of the drug program. But the person still must complete the required (1) community service component of the pretrial drug program and (2) victim impact component of the impaired driving program if it was ordered by the court.

Conforming Changes (§§ 85, 161 & 171-172)

The act makes several conforming changes to add references to the new drug program to existing laws that reference the current program (e.g., the requirement that a person's bail bond be automatically terminated upon his or her admission to the program (§ 171)).

§§ 85, 161, 167, 168 & 170-172 — PRETRIAL IMPAIRED DRIVING INTERVENTION PROGRAM

Sunsets an existing pretrial program, but establishes a similar program for people charged with DUI or impaired boating

The act sunsets the current pretrial alcohol education program for people charged with driving under the influence (DUI) or impaired boating, but establishes a new, generally similar program called the pretrial impaired driving intervention program.

The act prohibits courts from granting an application to participate in the current program starting on April 1, 2022 (the date the new program takes effect). But it allows anyone participating in the current program on that date to finish it or stop participation after any possible reinstatements.

The act makes several related minor, technical, and conforming changes.
EFFECTIVE DATE: April 1, 2022, except (1) upon passage for the provision on sunsetting the current program and (2) July 1, 2021, for a conforming change.

Overview

In many respects, the new program is like the current one. For example:

1. a person is generally ineligible for the program if (a) he or she already participated in it within the previous 10 years, (b) he or she has a prior conviction for DUI, impaired or reckless boating, manslaughter with a boat, or manslaughter or assault with a motor vehicle, or (c) his or her alleged violation caused serious physical injury to another person;
2. a person is ineligible for the program if he or she was charged with DUI while holding a commercial driver's license or while driving a commercial vehicle;
3. the court may approve a defendant's application for the program after considering the prosecutor's recommendations; and
4. program participants must agree to toll the statute of limitations, waive their right to a speedy trial, enter the program within 90 days of the court order unless the court grants a delay, and complete the program.

Some of the main differences between the current and new program relate to program components, fees and indigency, prohibited conduct, participation certification, and further treatment. These are described briefly below.

Program Components. Under the current program, depending on a person's evaluation by DMHAS, he or she must be placed in (1) an appropriate alcohol intervention program, consisting of 10 or 15 sessions, for one year or (2) a state-licensed substance abuse treatment program with at least 12 sessions. The new program consists of a 12-session alcohol education component or a substance use treatment component of at least 15 sessions. As with the current program, the new program may also include a victim impact panel component.

Fees and Indigency. Under the current program, the fees are (1) $350 for the 10-session program and (2) $500 for the 15-session program. Under the new program, the fees are (1) $400 for the alcohol education component and (2) $100 for substance use treatment, plus treatment costs charged by the provider.

Like the current program, the new program allows the fees to be waived if the applicant files an indigency affidavit and the court enters a finding of indigency. Under the new program, fees may also be waived if the applicant was determined indigent and eligible for a public defender. It specifically prohibits the court from requiring community service to cover the waived cost.

Prohibited Conduct. In an application for the new program, an applicant must promise that, if placed in the program, he or she will not engage in any conduct that would constitute DUI, impaired or reckless boating, manslaughter with a boat, or manslaughter or assault with a motor vehicle. If the Court Support Services Division (CSSD) determines that a participant engaged in that conduct, it must inform the court and return the person's case to court for further proceedings.

Participation Certification and Further Treatment. The act establishes a more specific process for certifying a person's participation and recommending additional treatment. It specifically requires program component providers to provide CSSD with a certification as to whether the person successfully completed the program or failed to do so. If the person completed the program, the certification must indicate that and state whether additional substance use treatment is recommended. If additional treatment is recommended, CSSD may require it in order for the person to satisfactorily complete the impaired driving program. If the certification indicates a failure to complete treatment, it must list the reasons for failure, whether the person is amenable to further treatment, and, if practicable, a recommendation as to whether an alternative program would be best for the person.

When CSSD receives a person's participation certification, it must prepare a final progress report for the court. Among other things, the progress report must (1) indicate whether the person completed the program and any additional treatment and (2) include a background check indicating whether the person has engaged in any prohibited conduct.

Interaction With Pretrial Drug Education and Community Services Program

The act allows DMHAS to combine the services for the pretrial impaired driving intervention program's alcohol education component with the services for the drug education component of the new pretrial drug education and community services program (see § 166), if needed to ensure appropriate and timely access to these components. The act specifies that participation in DMHAS-provided combined drug and alcohol education services under the impaired driving intervention program does not affect the person's eligibility for the new pretrial drug education and community services program.

Under the act, if a person applies for both programs for charges arising from the same arrest and DMHAS, the veterans affairs department, or the U.S. Department of Veterans Affairs has already completed the required evaluation and determination of the appropriate drug education or substance use treatment component under the drug education and community services program, the court and CSSD may rely on that for purposes of the impaired driving intervention program. If they do so, the person is not required to also pay an evaluation fee for the impaired driving intervention program.

If a person is placed in both programs for the same arrest, the act allows the court to find that the person's successful completion of (1) the drug education component of the drug education and community services program satisfies the alcohol education component of the impaired driving intervention program or (2) the substance use treatment component of the drug education and community services program satisfies the treatment component of the impaired driving intervention program. But the person still must complete the required (1) community service component of the drug education and community services program and (2) victim impact component of the impaired driving intervention program if it is ordered by the court.

Minor and Conforming Changes (§§ 85, 161 & 170-172)

The act makes several conforming changes to add references to the new impaired driving intervention program to existing laws that reference the current pretrial alcohol education programs.

It also requires the judicial branch to collect data on the number of members of the armed forces, veterans, and nonveterans who apply for, and are granted or denied, entry into the impaired driving intervention program. The judicial branch must already report this data for other diversionary programs.

§§ 86 & 87 — CLEAN INDOOR AIR ACT

Extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems (ECDS); expands the locations where the prohibition applies; extends existing signage requirements and penalties for smoking and e-cigarette use to smoking cannabis and hemp and using ECDS

The act makes various changes affecting the prohibition of smoking and e-cigarette use (i.e., electronic nicotine delivery systems and vapor products) in certain establishments and public areas. It generally expands the prohibition to include smoking cannabis and hemp and using electronic cannabis delivery systems (ECDS).

EFFECTIVE DATE: October 1, 2021

Definitions

Smoking. The act expands the statutory definition of "smoking" to include using a lighted cigarette, cigar, pipe, or other similar device that contains, in whole or in part, cannabis or hemp, in addition to tobacco as under prior law. Under the act, smoking means burning these devices, instead of lighting or carrying them as under prior law.

Electronic Cannabis Delivery System (ECDS). The act defines an ECDS as an electronic device used to simulate smoking and deliver cannabis to a person who inhales from it. This includes (1) vaporizers, electronic pipes, and electronic hookahs and (2) related devices, cartridges, or other components. It makes related conforming changes to the statutory definitions of "electronic nicotine delivery systems" (ENDS) and "vapor products."

The act also exempts from the statutory definition of ENDS, ECDS, and e-cigarette liquid, a medical or therapeutic product that is (1) used by a licensed health care provider to treat a patient in a health care setting; (2) used by a patient in any setting, as prescribed or directed by a licensed health care provider; or (3) a biological product authorized for sale by the FDA and used to prevent, treat, or cure diseases or injuries. (Existing law already exempts vapor products that meet these requirements.)

Prohibited Locations

Existing law prohibits smoking and e-cigarette use in various locations, such as restaurants, health care institutions, and state or municipal buildings. The act additionally prohibits smoking cannabis and hemp and using ECDS in these locations.

The act specifies that, for purposes of the ban on smoking and using e-cigarettes or ECDS, "any area" of a facility, building, or establishment includes outside areas that are within 25 feet of a doorway, operable window, or air intake vent, in addition to the premise's interior.

The act adds to and expands the law's prohibited locations by including:

1. any area of a state or municipally owned, operated, or leased building, instead of only inside the building;
2. any area of a school building, instead of only inside of it;
3. within or on the grounds of a family day care home, when a child enrolled in the home is present during customary business hours, instead of at any time the child is present;
4. any area of a retail establishment, rather than just a retail food store, accessed by the public;
5. any area of a higher education dormitory, instead of only inside it; and
6. any area of a halfway house or residential facility (for e-cigarettes and ECDS, the prohibition applies only to those houses or facilities funded by the judicial branch).

The act also eliminates prior exemptions, thereby prohibiting smoking and using e-cigarettes and ECDS, in the following locations:

1. correctional facilities;
2. designated smoking areas in psychiatric facilities;
3. smoking rooms provided by employers for employees; and
4. all guest rooms in hotels, motels, and similar lodging (prior law allowed up to 25% of rooms to be designated smoking rooms).

Exemptions

The act expands the following existing exemptions from the smoking and e-cigarette ban to allow smoking cannabis or hemp and ECDS use in (1) classrooms during smoking or e-cigarette demonstrations that are part of a medical or scientific experiment or lesson, (2) medical research sites where smoking or e-cigarette use is integral to the research being conducted, (3) certain outdoor areas of establishments serving alcohol, and (4) public housing projects.

The act also provides that an area for smoking or e-cigarette use is not required outside or within the entryway of any building, in addition to inside any building, as under prior law. The act extends the provision to also include the use of ECDS.

Posting Signs in Buildings

By law, the person in control of any building in which smoking and e-

cigarette use are prohibited by state law must post or have a sign posted in conspicuous places stating the prohibition. The act expands the requirement to include the prohibition against smoking cannabis or hemp and using ECDS.

Penalties

As under existing law for smoking and e-cigarette use, a person commits an infraction if he or she is found guilty of (1) smoking cannabis or using an ECDS where doing so is prohibited by the act, (2) failing to post required signs, or (3) removing the signs without authorization.

Additionally, the act eliminates a provision in prior law that prohibits a person from being arrested for smoking or e-cigarette use in a passenger elevator if there is a sign posted in the elevator indicating that smoking or e-cigarette use is prohibited.

§ 88 — WORKPLACE SMOKING BAN

Generally bans smoking (whether tobacco, cannabis, or hemp) and e-cigarette use in workplaces, regardless of the number of employees

Subject to the exclusions below, the act requires employers to ban smoking and e-cigarette use in any area of the workplace, regardless of the number of employees. It applies to areas inside the workplace and outside it within 25 feet of a doorway, operable window, or air intake vent. Under prior law, an employer:

1. with five or more employees could designate employee smoking rooms if the employer also designated enough non-smoking break rooms, but otherwise had to ban smoking, and
2. with fewer than five employees had to establish non-smoking work areas sufficient to accommodate non-smoking employees who requested to work in such an area.

The act's workplace smoking ban applies to (1) smoking tobacco, cannabis, or hemp and (2) e-cigarette use (including cannabis). Prior law only specifically applied to smoking tobacco.

Additionally, the act specifies that it does not prohibit an employer from designating as a non-smoking area the real property on which the business facility is located, in addition to the facility itself, as allowed under existing law.

EFFECTIVE DATE: October 1, 2021

Exclusions

The law's provisions on workplace smoking exempt certain business facilities such as certain areas of a business that tests or develops tobacco. The act extends the exemption to businesses that test or develop cannabis.

The act also excludes all facilities that are exempted from the Clean Indoor Air Act, as amended under the act (see §§ 86 & 87). Prior law excluded some of these facilities (e.g., tobacco bars).

§ 89 — HOTELS AND CANNABIS

Requires hotels and motels to ban the smoking or vaping of cannabis, but otherwise prohibits them from banning its use or possession in non-public areas

The act requires hotels, motels, and similar lodging places to prohibit the smoking or vaping of cannabis anywhere at the establishment. Otherwise, it prohibits them from banning cannabis use or possession in any nonpublic area of the establishment.

EFFECTIVE DATE: July 1, 2022

§ 90 — TENANTS AND CANNABIS

Restricts when landlords and property managers can refuse to rent to an individual due to convictions, or take certain other actions, related to cannabis

Subject to the exceptions below, the act prohibits residential landlords and property managers from refusing to rent to, or otherwise discriminating against, an existing or prospective tenant based on a past conviction in Connecticut for illegally possessing cannabis under the act, or in another jurisdiction for possessing four or fewer ounces of cannabis (alone or in combination with an equivalent amount of products).

For residential rental properties, it generally prohibits landlords and property managers from banning cannabis possession or use, although they may prohibit smoking or vaping cannabis.

Additionally, the act generally prohibits landlords or property managers from requiring tenants to take drug tests.

These provisions do not apply to:

1. people renting a room and not the full dwelling;
2. residences incidental to detention or medical, geriatric, educational, counseling, religious, or similar services;
3. transitional housing or sober living facilities; or
4. situations where failing to prohibit cannabis use or possession, or failing to require drug tests, would violate federal law or cause the landlord to lose a federal financial or licensing-related benefit.

EFFECTIVE DATE: July 1, 2022

§ 91 — CANNABIS USE BANNED ON STATE LANDS OR WATERS

Establishes penalties for using cannabis on state lands or waters managed by DEEP

The act prohibits the use of cannabis on state lands or waters managed by DEEP. It (1) establishes a fine of up to $250 for these violations and (2) specifies that only DEEP agents may enforce these provisions.

EFFECTIVE DATE: July 1, 2022

§ 92 — DEPARTMENT OF CORRECTION AUTHORITY TO BAN CANNABIS

Authorizes DOC to ban cannabis possession in DOC facilities or halfway houses

The act specifically authorizes the Department of Correction (DOC) to ban cannabis possession in any DOC facility or halfway house.
EFFECTIVE DATE: July 1, 2021

§ 93 — POSITIVE DRUG TEST

Prohibits a positive drug test result that solely indicates a specified metabolite of THC from being proof that an individual is impaired by cannabis without other additional evidence

Under the act, an individual's drug test that yields a positive result solely for a specified metabolite of THC (i.e., 11-nor-9-carboxy-delta-9-tetrahydrocannabinol) must not be construed, without other evidence, as proof that the individual is under the influence of, or impaired by, cannabis.
EFFECTIVE DATE: July 1, 2022

§ 94 — MEDICAL PATIENTS, PARENTS, AND PREGNANT WOMEN

Provides certain protections for medical patients, parents, and pregnant women if cannabinoid metabolites are detected in their bodily fluids

The act provides certain protections for medical patients, parents or guardians of a child, and pregnant women if cannabinoid metabolites are detected in their bodily fluids. The presence of these cannabinoid metabolites in a patient cannot constitute illicit substance use resulting in denial of medical care, including organ transplantation, and a patient's cannabis products use may be considered only with respect to evidence-based clinical criteria. For a parent or legal guardian of a child or newborn infant, or a pregnant woman, the presence of the cannabinoid metabolites cannot form the sole or primary basis for any DCF action or proceeding.

Under the act, this provision does not preclude any DCF action or proceeding based on harm or risk of harm to a child, nor does it preclude the department from using information on the presence of cannabinoid metabolites in a person's bodily fluids in any action or proceeding.
EFFECTIVE DATE: July 1, 2021

§ 95 — POSITIVE STUDENT THC TESTS

Prohibits, with some exceptions, a positive drug test result that only indicates a specified metabolite of THC from being the only basis for school discipline

The act generally prohibits an educational institution from using a student's drug test yielding a positive result only for a specified metabolite of THC (i.e., 11-nor-9-carboxy-delta-9-tetrahydrocannabinol) as the only basis for refusing to

enroll or continue to enroll, or otherwise punish, the student. The act makes an exception in cases where (1) failing to do so would cause the institution to violate a federal contract or lose federal funding or (2) the student is being drug tested as required by the National Collegiate Athletic Association (NCAA) and the punishment is required by NCAA policies.
EFFECTIVE DATE: July 1, 2021

§ 96 — BAN ON REVOKING FINANCIAL AID OR EXPELLING HIGHER EDUCATION STUDENTS

Generally, bans higher education institutions from (1) revoking financial aid or student loans or (2) expelling a student, only for use or possession of small amounts of cannabis

The act generally bans public and private higher education institutions from (1) revoking any financial aid or student loans or (2) expelling a student, only for use or possession of less than:

1. four ounces of cannabis plant material;
2. an equivalent amount of cannabis product, defined as (a) 20 grams of cannabis concentrate or (b) any other cannabis product or products with up to 2,000 milligrams of THC; or
3. an equivalent amount of a combination of cannabis and cannabis product, as described above.

This ban does not apply if (1) complying with the act would violate federal law or a federal contract or (2) failing to take these prohibited actions would jeopardize the educational institution's federal funding.
EFFECTIVE DATE: July 1, 2021

§§ 97-101 — EMPLOYMENT RELATED PROVISIONS

Sets rules for permitted and prohibited employer actions regarding employee cannabis use; specifies it does not limit an employer's ability to require employees to submit to drug testing; creates a civil action for employees aggrieved by a violation of the act's employer limitations

The act establishes permitted and prohibited employer actions regarding employee cannabis use and exempts certain types of employers and employees from these provisions.

Under the act, "employee" means any individual employed or permitted to work by an employer, or an independent contractor and "employer" means any owner, person, partnership, corporation, limited liability company, or association acting directly as, on behalf of, or in the interest of an employer in relation to employees, including the state and its political subdivisions (e.g., municipalities).
EFFECTIVE DATE: July 1, 2022, except that certain exemptions (see § 101) are effective July 1, 2021.

Employer Policy Requirements; Right to Maintain a Drug-Free Workplace (§ 98)

The act sets rules for what employers may and may not do with respect to

employee cannabis use both in and out of the "workplace."

It specifies that employers do not have to make accommodations for an employee or allow an employee to (1) perform his or her duties while under the influence of cannabis or (2) possess, use, or otherwise consume cannabis while performing work duties or on the employer's premises, except for possession of medical marijuana by a qualifying patient under state law.

The act defines "workplace" as the (1) employer's premises, including any building, real property, and parking area under the employer's control; (2) area an employee uses while performing job duties; and (3) employer's vehicles, whether leased, rented, or owned.

Employer Policy Prohibiting Possession or Use by Employees. The act permits an employer to implement a policy prohibiting employees from possessing, using, or otherwise consuming cannabis, except for medical marijuana possession by a qualifying patient. (Presumably, the policy can apply to cannabis possession or use either at or outside the workplace.) By law and unchanged by the act, an employer cannot refuse to hire someone or discharge, penalize, or threaten an employee because he or she is a qualifying patient or caregiver under the medical marijuana law.

The act requires that the policy be (1) in writing in either physical or electronic form and (2) made available to each employee before the policy's enactment. The employer must also make the policy available to each prospective employee when making an offer or conditional offer of employment.

Employer Action Against an Employee. The act generally bans an employer from holding an employee's or prospective employee's use of cannabis products before employment against them, except in limited situations.

It generally prohibits employers from taking certain actions against an employee or prospective employee because he or she did or did not smoke, vape, aerosolize, or otherwise use cannabis products outside the workplace before he or she was employed by the employer. The prohibited actions are discharging or taking any adverse action with respect to compensation, terms, conditions, refusal to hire, or other privileges of employment. This restriction does not apply if failing to take these actions would put the employer in violation of a federal contract or cause it to lose federal funding.

However, the act implicitly permits an employer to (1) prohibit cannabis use outside the workplace if the employer does so through a policy meeting the act's conditions and (2) take action against employees who violate it. The act does so by prohibiting an employer from discharging or taking an adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because the employee does or does not smoke, vape, aerosolize, or otherwise use cannabis products outside of the workplace, unless the employer's action complies with a policy the employer adopted, as described above. It also specifies that its employment-related provisions do not limit or prevent the employer from taking adverse action (e.g., disciplining, firing, or rescinding an offer) pursuant to a drug policy meeting the act's conditions.

Drug- and Alcohol-Free Workplace and Reasonable Suspicion. The act specifies that nothing in its employment-related provisions requires an employer

to amend, repeal, affect, restrict, or preempt its rights and obligations to maintain a drug- and alcohol-free workplace (§§ 97 to 101).

Furthermore, the act does not limit an employer from taking appropriate adverse or other employment action upon (1) reasonable suspicion that an employee used cannabis while performing work responsibilities at the workplace or on call or (2) determining that an employee shows specific, articulable drug impairment symptoms while working at the workplace or on call. These impairment symptoms must decrease or lessen the employee's performance of his or her work duties or tasks. They include:

1. symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, or irrational or unusual behavior;
2. negligence or carelessness in operating equipment or machinery;
3. disregard for personal safety or that of others, or involvement in an accident that results in serious damage to equipment or property;
4. disruption of a production or manufacturing process; or
5. carelessness that results in injury to the employee or others.

Under the act, "on call" means a period of time when an employee is (1) scheduled by his or her employer or supervisor, with at least 24 hours' notice, to be on standby to perform employment-related tasks, either at the employer's premises or other designated location and (2) being compensated for the scheduled time.

Exempted Employers and Employees. The act's employer policy provisions and limits on employer adverse actions do not apply to an exempted employer or to any employee who holds, or is applying for, an exempted position.

Under the act, an "exempted employer" means an employer whose primary activity (as indicated in the act by specific North American Industry Classification System codes) is:

1. mining, including natural gas extraction;
2. utilities, including electric power generation and distribution; nuclear, solar, and wind power generation; and water and sewer systems;
3. construction, including residential, industrial, and commercial;
4. manufacturing, including production of various products, machinery, and instruments;
5. transportation or delivery, including air, rail, trucking, couriers, and express delivery;
6. educational services, including Kindergarten to grade 12, colleges, universities, and professional schools;
7. health care or social services, including physician and dentist offices, hospitals, community housing and emergency services, and child day care services;
8. justice and public safety activities, including, courts, police, fire, legal counsel, and corrections; and
9. national security and international affairs, including immigrations enforcement and State Department diplomats.

"Exempted employer" includes any subdivision of a business entity that is a standalone business unit with its own executive leadership, some or significant

autonomy, and its own financial statements and results.

Under the act, "exempted position" means a position:

1. as a firefighter or emergency medical technician;
2. as a police officer or peace officer, in a law enforcement or investigative function at a state or local agency, or with the Department of Correction involving direct contact with inmates;
3. that requires driving a motor vehicle, for which federal or state law requires an employee to submit to screening tests, including any position requiring a commercial driver's license or any position subject to drug testing under federal regulations related to the U.S. Department of Transportation, the Federal Aviation Administration, or the U.S. Coast Guard;
4. that requires a completion certification for construction safety and health course approved by the federal Occupational Safety and Health Administration;
5. that requires a federal Department of Defense or Department of Energy national security clearance;
6. for which the act's employment provisions are inconsistent or otherwise in conflict with (a) an employment contract or collective bargaining agreement or (b) any provision of federal law;
7. funded in whole or in part by a federal grant;
8. providing supervision or care of children, medical patients, or vulnerable people;
9. with, in the employer's determination, the potential to adversely impact the health or safety of employees or the public;
10. at a nonprofit organization or corporation with the primary purpose of discouraging use of cannabis products or any other drug; or
11. at an exempt employer.

Employer Drug Testing (§§ 98(d)(2) & 99)

The act specifies that nothing in its employment related provisions limits or prevents an employer from subjecting an employee or applicant to drug testing or a fitness for duty evaluation.

Under the act, an employer may not use a prospective or existing employee's positive drug test for a specified metabolite of THC as the only basis for refusing to employ or continue to employ or otherwise penalize the prospective or existing employee, unless:

1. the employee is an exempted employee;
2. failing to do so would cause the employer to violate a federal contract or lose federal funding;
3. the employer reasonably suspects an employee uses cannabis while working;
4. the employee shows, while working, specific, articulable symptoms of drug impairment that lower the employee's work performance, including the signs of impairment included above for reasonable suspicion; or

5. the drug test is given under a random drug testing policy set by the employer that meets the act's standards or to a prospective employee with a conditional job offer and the employer has set in the policy that a positive drug test for the metabolite of THC may result in an adverse employment action. (This does not apply to a qualifying patient or caregiver under the medical marijuana law.)

Existing law, unchanged by the act, sets additional specific criteria that must be met before an employer can require random drug tests ((CGS § 31-51x), see *Background*).

Employee Recourse (§ 100)

With certain exceptions detailed in the act, an employee or prospective employee aggrieved by a violation of the act's employer limitations may, within 90 days after the alleged violation, bring a civil action in the Superior Court for the district where the violation is alleged to have occurred or where the employer has its principal office. Actions alleging violations involving a state agency may be brought in the Superior Court for the judicial district of Hartford.

Under the act, individuals who prevail in a civil action may be awarded reinstatement to their previous employment or job offer, payment of back wages, and reasonable attorney's fees and costs.

The act also establishes situations that do not constitute a cause of action. It specifies that the following cannot be construed to create or imply a cause of action for any person against an employer:

1. an employer's actions based on good-faith belief that an employee used or possessed cannabis (except a qualifying patient's possession of palliative cannabis) in the workplace, while performing job duties, during work hours, or while on call in violation of the employer's employment policies;
2. actions taken, including discipline or termination, based on the employer's good-faith belief that, due to cannabis use, an employee was unfit for duty or impaired or under the influence of cannabis at the workplace, while performing job duties, during work hours, or while on call in violation of the employer's workplace drug policy;
3. injury, loss, or liability to a third party if the employer neither knew, nor had reason to know, that the employee was impaired by cannabis;
4. subjecting an employee to drug testing or a fitness for duty evaluation, pursuant to an employer's policy established under the act's criteria; or
5. actions taken by an exempted employer or claims regarding an exempted position.

Under the act, "work hours" are any time for which the employee is compensated by an employer and is performing job duties or reasonably expected to be doing so.

The act also specifies that it does not create or imply a cause of action against an employer for subjecting a prospective employee to drug testing or taking adverse action against a prospective employee, including rescinding a conditional job offer, based on drug test results. However, an employer cannot take adverse

action against a prospective employee over a drug test that is only positive for a specified metabolite of THC unless (1) the employer is an exempted employer; (2) the prospective employee is applying for an exempted position; or (3) the employer has an employment policy established under the act's conditions that a positive drug test for a specified metabolite of THC may result in adverse employment action.

The act supersedes certain labor statutes (CGS Chapter 557, Labor Regulation) and provides that no employer, officer, agent, or other person who violates any employment provision of the act (§§ 98-101) is liable to the Labor Department (DOL) for a civil penalty. Also, DOL cannot investigate an employer, officer, agent, or other person based solely on an allegation that they violated the act's enforcement provisions.

Exempted Employment Situations (§ 101)

The act explicitly does not apply to drug testing, conditions of continued employment, or conditions for hiring employees required under:

1. federal Department of Transportation regulations that require testing prospective transportation industry employees under the department's administrative procedures (49 C.F.R. 40);
2. any state agency regulations that adopt a federal regulation for enforcement purposes regarding intrastate commerce;
3. any contract entered into between the federal government and an employer or any federal financial assistance grant to an employer that requires drug testing prospective employees as a condition of the contract or grant;
4. any federal law or state statute, regulation, or order that requires drug testing prospective employees for safety or security purposes; or
5. any applicant whose prospective employer is a party to a collective bargaining agreement that specifically addresses drug testing, conditions of hiring, or conditions of continued employment of the applicant.

Additionally, the act explicitly excludes privileges, qualifications, credentialing, review, or discipline of a hospital's or medical organization's nonemployee, licensed healthcare professionals on its medical staff.

Background — Employee Drug Testing Law

By law, an employer can require random urinalysis drug testing only if (1) the test is authorized under federal law; (2) the employee (a) serves in an occupation designated as a high-risk or safety-sensitive occupation under state DOL regulations or (b) is employed to drive a school bus or a student transportation vehicle; or (3) the urinalysis is part of an employer-sponsored or authorized employee assistance program in which the employee voluntarily participates (CGS § 31-51x).

State law requires an employer to obtain a second, confirming urinalysis test result of an employee before the results can be used in employment decisions. The second test must be separate and independent from the initial test, using a gas

chromatography and mass spectrometry methodology or a methodology that the public health commissioner has determined to be as reliable or more reliable than those methods (CGS § 31-51u).

§ 102 — LABOR PEACE AGREEMENTS

Requires each cannabis establishment licensee to enter into a labor peace agreement with a bona fide labor organization as a condition of its final license approval or other license changes; requires that each agreement include binding arbitration as the exclusive remedy for any agreement violation; permits civil action in Superior Court to enforce arbitration awards

The act requires each provisional cannabis establishment licensee, as a condition of its final license approval, license conversion, or approval for expanded authorization, to enter into a labor peace agreement with a bona fide labor organization.

Under the act, a "labor peace agreement" means an agreement between a cannabis establishment and a bona fide labor organization (1) under which the establishment's owners and managers agree not to lock out employees and (2) prohibiting the labor organization from engaging in picketing, work stoppages, or boycotts against the cannabis establishment. "Licensee" means a cannabis establishment licensee, dispensary facility, or producer.

The act defines a "bona fide labor organization" as a labor union that (1) represents employees in this state regarding wages, hours, and working conditions; (2) has officers who were elected by a secret ballot or in another manner consistent with federal law; (3) is free of any employer domination or interference and has not received any improper assistance or support from the employer; and (4) is actively seeking to represent cannabis workers in the state.

EFFECTIVE DATE: July 1, 2021

Required Binding Arbitration

The act requires that any labor peace agreement include a clause providing that the parties agree that final and binding arbitration by a neutral arbitrator will be the exclusive remedy for any violation of the agreement. Under the act, if an arbitrator finds that a licensee failed to comply with an arbitrator's order to correct a failure to abide by the agreement, then DCP must suspend the licensee's license, without further administrative proceedings or a formal hearing, and superseding such requirements of the Uniform Administrative Procedure Act, upon receiving a written copy of this finding.

Civil Action

To enforce an arbitration award or lift a license suspension, the act allows a licensee or bona fide labor organization to bring a civil action in the Superior Court in the judicial district where the cannabis establishment's facility is located. The license must remain suspended until (1) the arbitrator notifies, or both parties to the arbitration notify, DCP that the licensee is in compliance with the

arbitration award; (2) both parties notify the department that they have satisfactorily resolved their dispute; (3) the court, after a hearing, lifts the suspension; or (4) the court, after a hearing, orders alternative remedies. These remedies may include ordering DCP to revoke the license or ordering the appointment of a receiver to properly dispose of any cannabis inventory.

The act allows the licensee to engage in conduct during the suspension period to maintain and secure its cannabis inventory. However, the licensee cannot sell, transport, or transfer cannabis (with one exception) to another cannabis establishment, consumer, or laboratory unless the sale or transfer is associated with a voluntary license surrender and a DCP-approved cannabis disposition plan. The act provides a medical use exception to this limitation, specifying that a producer, cultivator, or micro-cultivator with a suspended license can sell, transport, or transfer cannabis to a product packager, food or beverage manufacturer, product manufacturer, dispensary facility, or hybrid retailer for sale to qualified patients or caregivers. These products must be labeled "For Medical Use Only."

§ 103 — PROJECT LABOR AGREEMENTS

Requires that cannabis establishment facility construction or renovation projects costing $5 million or more have a project labor agreement between the project contractors and the establishment and provides for enforcement through civil action in Superior Court

Project Labor Agreement (PLA) Requirement

The act requires that the construction or renovation of any cannabis establishment facility costing $5 million or more have a PLA between the project's contractors or subcontractors and the cannabis establishment.

Under the act, a "project labor agreement" is an agreement between a subcontractor or contractor and a cannabis establishment that does the following:

1. binds all project contractors and subcontractors to the PLA through the inclusion of specifications in all relevant solicitation provisions and contract documents;
2. allows all contractors and subcontractors to compete for contracts and subcontracts on the project regardless of whether they are otherwise parties to collective bargaining agreements;
3. establishes uniform employment terms and conditions for all construction labor employed on the project;
4. guarantees against strikes, lockouts, and similar job disruptions;
5. sets mutually binding procedures for resolving labor disputes arising during the PLA; and
6. includes any other provisions negotiated by the parties to promote successful delivery of the covered project.

Enforcement

A contractor, subcontractor, or employee organization may enforce the act's

provisions or seek remedies for noncompliance with a PLA by bringing a civil action in the Superior Court in the judicial district where the cannabis establishment project is located. An "employee organization" is any lawful association, labor organization, federation, or council with a primary purpose of improving wages, hours, and other conditions of employment for cannabis establishments' employees.

The act allows the court, after holding a hearing, to order penalties of up to $10,000 per day for each PLA violation by the cannabis establishment.

Under the act, a cannabis establishment's failure to comply with the act's PLA provisions cannot be the basis for any administrative action by DCP.

EFFECTIVE DATE: July 1, 2021

§ 104 — HOSPITAL POLICIES ON CANNABIS USE

Allows hospitals to restrict patients' cannabis use

The act provides that hospitals (1) are not required to allow patients to use cannabis while at the hospital and (2) may have policies restricting patients' cannabis use.

EFFECTIVE DATE: July 1, 2021

§ 105 — PENALTIES FOR SALES TO UNDERAGE PERSONS

Establishes misdemeanor penalties for cannabis establishments and employees who sell to people under age 21

Under the act, cannabis establishment licensees, or their servants or agents, who sell or deliver cannabis or cannabis paraphernalia to people under age 21 are guilty of a class A misdemeanor (see Table on Penalties).

EFFECTIVE DATE: July 1, 2021

§ 106 — PHOTO IDENTIFICATION

Allows cannabis establishments and their employees to require customers to have their photos taken or show IDs to prove their age and provides an affirmative defense for relying on these documents; limits other use of these photos or information; allows DCP to require cannabis establishments to use an online age verification system

Under the act, licensed cannabis establishments, or their agents or employees, may require identification as a condition of sale or delivery for people whose age is in question. Specifically, they may (1) require these people to have their photographs taken and (2) make a copy of their driver's license or non-driver identification (ID) card.

These licensees, agents, and employees are prohibited from using these photographs or photocopies (or information derived from them) for any other purpose. This includes selling or otherwise distributing these items to third parties for any purpose, including marketing, advertising, or promotional activities. But they may release these items pursuant to a court order.

EFFECTIVE DATE: July 1, 2021

Affirmative Defense (§ 106(d))

The act provides an affirmative defense for cannabis establishment licensees, or their agents or employees, if they are prosecuted for selling or providing cannabis to underage individuals.

This defense applies if they (1) sold or delivered cannabis to the person in good faith and in reasonable reliance on the identification presented and (2) photographed the person and made a copy of the identification. To support their defense, they may introduce evidence of the photograph and ID copy.

Online System (§ 106(e))

The act also allows the DCP commissioner to require cannabis establishments to use an online age verification system.

§ 107 — PENALTIES FOR INDUCING UNDERAGE PERSONS TO BUY CANNABIS

Establishes misdemeanor penalties for inducing someone under age 21 to buy cannabis

The act generally provides that anyone who induces someone under age 21 to procure cannabis from a licensed seller is guilty of a class A misdemeanor.

This penalty does not apply to (1) 18- to 20-year-old registered employees of cannabis establishments when acting in the course of their employment or business or (2) inducement that furthers a law enforcement agency's official investigation or enforcement activity.

These provisions do not prevent actions against cannabis sellers who sold to underage individuals who were participating in such an investigation or enforcement activity.

EFFECTIVE DATE: July 1, 2021

§ 108 — IDENTIFICATION USE AND PENALTIES FOR ATTEMPTED PURCHASES BY UNDERAGE PERSONS

Allows driver's licenses and non-driver ID cards to be used to prove age for buying cannabis; establishes penalties for underage persons who misrepresent their age or use someone else's license in an attempt to buy cannabis

The act authorizes (1) anyone who is at least age 21 and has a driver's license or non-driver ID card with a full-face photograph to use it to prove age when buying cannabis and (2) cannabis businesses to accept it as legal proof of age.

The act subjects anyone who misrepresents his or her age, or uses another person's license, to obtain cannabis to a fine of up to $250 for a first offense. A subsequent offense is a class D misdemeanor.

These penalties do not apply to someone who works for, or on behalf of, a

state agency testing retailers' age verification and product controls while performing these duties.
EFFECTIVE DATE: July 1, 2021

§ 109 — PENALTIES FOR ALLOWING UNDERAGE PERSONS TO POSSESS CANNABIS AT A PERSON'S PROPERTY

Makes it a class A misdemeanor for someone in control of a home or private property to allow someone under age 21 to possess cannabis there

The act makes it a class A misdemeanor for someone who possesses or controls a dwelling unit or private property to:

1. knowingly or recklessly allow someone under age 21 to illegally possess cannabis on the property or
2. fail to make reasonable efforts to stop this possession on the property when he or she knows an underage person possesses these items illegally.

EFFECTIVE DATE: July 1, 2021

§ 110 — PROHIBITION ON ALLOWING UNDERAGE PERSONS TO LOITER AT CANNABIS RETAILERS

Establishes penalties for cannabis retailers or hybrid retailers who allow underage individuals to loiter or enter certain parts of the establishment

The act generally prohibits cannabis retailers or hybrid retailers, and their employees or agents, from allowing people under age 21 to (1) loiter on the premises where cannabis is kept for sale or (2) be in any room where cannabis is consumed.

These provisions do not apply if the underage person is (1) an employee of the business, (2) a medical marijuana patient at a hybrid retailer's establishment, or (3) accompanied by a parent or guardian.

Under the act, a first violation is punishable by a fine of up to $1,000. A subsequent violation is a class B misdemeanor (see Table on Penalties).
EFFECTIVE DATE: July 1, 2021

§ 111 — UNDERAGE PERSONS POSSESSING ALCOHOL AT A PERSON'S PROPERTY

Narrows the existing crime of allowing underage persons to possess alcohol at a property, by eliminating criminal negligence as a sufficient mental state for this crime

Under existing law, it is generally a class A misdemeanor for someone who possesses or controls a dwelling unit or private property to allow someone under age 21 to illegally possess alcohol on the property.

Under prior law, this applied if the person knowingly, recklessly, or with criminal negligence allowed this to occur. The act eliminates criminal negligence as one of the mental states that could lead to criminal liability under this law.

Generally, a person acts recklessly when he or she is aware of a substantial risk but disregards it. A person acts with criminal negligence when he or she fails to perceive such a risk. In either case, ignoring or failing to perceive the risk must be clearly unreasonable.
EFFECTIVE DATE: July 1, 2021

§§ 112 & 113 — CANNABIS USE IN MOTOR VEHICLES

Makes it a (1) class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and (2) class D misdemeanor to do so as a passenger in a motor vehicle; prohibits police from stopping a vehicle solely for these violations

The act makes it a class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and a class D misdemeanor to do so as a passenger in a motor vehicle (see Table on Penalties).

In either case, the act applies to doing these things in a vehicle operated (1) on a public highway, (2) on a road of a specially chartered municipal association or roadway district, (3) in a parking area for 10 or more cars, (4) on school property, or (5) on a private road with a speed limit set pursuant to state law.

The act also prohibits peace officers from stopping a vehicle solely for violations of these provisions.

Under the act, someone cannot be convicted of both possession of a controlled substance and smoking, otherwise inhaling, or ingesting cannabis while driving, or as a passenger, for the same incident. But someone may be charged and prosecuted for either or both offenses, driving under the influence, and any other applicable offense upon the same information.
EFFECTIVE DATE: July 1, 2021

§ 114 — DRUG RECOGNITION EXPERTS AND ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT

Requires POST and DOT to determine the number of drug recognition experts needed; requires certain officers to be trained in advanced roadside impaired driving enforcement; and requires related training plans

The act requires the Police Officer Standards and Training Council (POST), in conjunction with the Department of Transportation's (DOT) Highway Safety Office, to determine how many accredited drug recognition experts (DREs) are needed to respond to impaired driving. It also requires (1) certain officers to be trained in advanced roadside impaired driving enforcement (ARIDE) and (2) training plans for both DREs and ARIDE.

Under the act, a DRE is someone certified by the International Association of Chiefs of Police (IACP) as having met all requirements of the International Drug Evaluation and Classification Program. ARIDE is a program developed by the National Highway Traffic Safety Administration (NHTSA) with the IACP and the Technical Advisory Panel, or a successor program, that focuses on impaired driving enforcement education for police officers.

EFFECTIVE DATE: July 1, 2021

Determining Minimum Number of DREs

The act requires each law enforcement unit, by January 1, 2022, to report to POST a recommendation for the minimum number of officers that it should have accredited as DREs to adequately respond to impaired driving. In making the recommendations, units may consider that they may call on other units' DREs, as needed and available. A recommendation must be (1) based on DOT impaired driving data and POST-issued guidance and (2) provided in a manner POST specifies.

The act requires POST, in conjunction with DOT's Highway Safety Office, to determine the minimum number of police officers to be accredited as DREs for each law enforcement unit, considering recommendations from law enforcement units. POST and the office must (1) submit their first determination to the governor and OPM secretary by July 1, 2022, and (2) update and submit the determination at least every three years.

By April 1, 2022, POST must develop and promulgate a model policy to ensure that enough police officers in each unit become trained DREs to meet the minimum requirement POST determines. And by October 1, 2022, each law enforcement unit must adopt and maintain a written policy that at least meets the standards in POST's policy.

DRE and ARIDE Training

POST and DOT's Highway Safety Office must jointly (1) issue a plan, by January 1, 2022, to increase access to ARIDE training and DRE training for police officers and law enforcement units and (2) update the plan triennially. Beginning on that same date, the act requires each police officer who has not been recertified for the second time after his or her initial certification to be trained and certified in ARIDE before being recertified.

§ 116 — DRIVING UNDER THE INFLUENCE (DUI)

Modifies the state's DUI law, including allowing a defendant's refusal of a drug influence evaluation to be admitted as evidence and allowing courts to take judicial notice of THC's effects

The act makes changes to the state's DUI law, including allowing the refusal of a drug influence evaluation to be admitted as evidence in criminal DUI prosecutions and allowing courts to take judicial notice of THC's effects.

The DUI law prohibits driving a motor vehicle (1) while under the influence of alcohol or drugs (or both) or (2) with an elevated blood alcohol content (BAC) (i.e., at least 0.08% for non-commercial vehicle drivers, 0.04% for commercial vehicle drivers, or 0.02% for drivers under age 21). It applies to drivers operating motor vehicles anywhere, including their own property, and to people operating snowmobiles and all-terrain vehicles. The law imposes various penalties for DUI, including prison terms, fines, and license suspensions (see *Background*).

EFFECTIVE DATE: April 1, 2022

Drug Influence Evaluations

Existing law allows chemical tests showing the amount of alcohol or drugs in a defendant's blood, breath, or urine at the time of the alleged DUI offense to be admitted as evidence in criminal prosecutions for DUI, as long as certain standards are met (e.g., the defendant must have had a reasonable chance to call a lawyer before taking it). It also allows the defendant's refusal of a test to be admitted as evidence, provided the same standards are met.

The act additionally allows evidence that a defendant refused to submit to the nontestimonial portion of a drug influence evaluation to be admitted as evidence. As under existing law with test refusal, in cases tried by jury, the court must instruct the jury as to the inferences that may or may not be drawn from the defendant's refusal to submit to the evaluation.

Under the act, a "drug influence evaluation" is an evaluation developed by NHTSA and IACP that a DRE conducts to determine (1) a person's impairment level from using drugs and (2) the drug category causing the impairment (see *Background*). The "nontestimonial portion of a drug influence evaluation" is a drug influence evaluation that does not include a verbal interview with the subject.

Judicial Notice of Effects of THC

In a DUI prosecution alleging that a defendant's driving was impaired wholly or partially by consuming cannabis, the act allows a court to take judicial notice that ingesting cannabis (1) can impair a person's driving ability, motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control, and memory and (2) does not enhance a person's ability to drive a motor vehicle safely.

Background — Penalties for DUI

A person convicted of DUI is subject to the criminal penalties listed in the table below. The law considers a subsequent conviction to be one that occurs within 10 years after a prior conviction for the same offense (CGS § 14-227a(g)). Higher penalties apply for DUI (1) with a child passenger (CGS § 14-227m) or (2) while operating a school bus, student transportation vehicle, or other vehicle specifically designed to carry children (CGS § 14-227n).

General DUI Penalties

Conviction	*Fine*	*Prison Sentence*	*License Suspension*
First	$500- $1,000	Either (1) up to six months with a mandatory minimum of two days or (2) up	45 days, followed by one year driving only a vehicle equipped with

Conviction	Fine	Prison Sentence	License Suspension
		to six months suspended with probation requiring 100 hours of community service	an ignition interlock
Second	$1,000- $4,000	Up to two years, with a mandatory minimum of 120 consecutive days and probation with 100 hours community service	45 days, followed by three years of driving only a vehicle equipped with an ignition interlock, with operation for the first year limited to travel to or from work, school, a treatment program, an ignition interlock service center, or a probation appointment
Third and Subsequent	$2,000- $8,000	Up to three years, with a mandatory minimum of one year and probation with 100 hours community service	License revoked, but the offender is eligible for reinstatement after two years (if reinstated, he or she must drive only interlock-equipped vehicles, except that the DMV commissioner may lift this requirement after 15 years)

License suspension for conviction of a criminal DUI charge is in addition to any previously imposed administrative license suspension. In addition to these penalties, the court can order a driver to participate in an alcohol education and treatment program (CGS § 14-227a(j)).

Background — DRE Drug Influence Evaluation

According to NHTSA and IACP, the 12 steps of a drug influence evaluation conducted by a DRE are:

1. breath alcohol test, to determine BAC;
2. interview of the arresting officer, to determine what he or she saw or heard that could indicate drug use;
3. preliminary examination, to determine whether to continue the evaluation;
4. eye examination, for evidence of involuntary eye jerking and other effects;
5. divided attention tests, such as finger-to-nose tests and one-leg stands;

6. vital sign examinations;
7. dark room examinations, for changes in the pupils with changes in light;
8. muscle tone examination, to see if muscles are markedly tense or flaccid;
9. examination for injection sites;
10. interview of the subject and logging other observations;
11. recording the evaluator's opinion, based on the above tests; and
12. toxicological examination.

§ 117 — ALCOHOL EDUCATION AND TREATMENT PROGRAM

Allows the court to require people convicted of DUI to participate in the pretrial impaired driving intervention program (see § 167)

Existing law allows the court to require someone convicted of DUI to participate in an alcohol education and treatment program. The act (1) additionally allows the court to order participation in the pretrial impaired driving intervention program (see § 167) and (2) specifies that the court can require a treatment program for people who drove under the influence of alcohol or both alcohol and drugs.

EFFECTIVE DATE: April 1, 2022

§ 118 — ADMINISTRATIVE PER SE LICENSE SUSPENSION FOR DUI

Makes changes to the administrative per se law, including (1) expanding it to include procedures for imposing penalties on drivers without an elevated BAC, but found to be driving under the influence based on behavioral impairment evidence, and (2) applying the existing per se process to operators who refuse the nontestimonial portion of a drug influence evaluation

By law, someone arrested for DUI is subject to administrative licensing sanctions and other penalties through DMV, in addition to criminal prosecution. This is referred to as "administrative per se," and the sanctions may occur when (1) a driver refuses to submit to a blood, breath, or urine test or (2) a test indicates an elevated BAC. However, under prior law, DMV was unable to penalize drug-impaired drivers who did not also have an elevated BAC.

Principally, the act expands the administrative per se process to include procedures for imposing licensing sanctions and other penalties on drivers who do not have an elevated BAC but are found to be driving under the influence based on evidence of behavioral impairment, among other things. Existing law allows evidence of behavioral impairment to support a DUI conviction.

The act also (1) applies the existing administrative per se procedures for drivers who refuse a BAC test to drivers who refuse to consent to the act's nontestimonial portion of a drug influence evaluation and (2) makes various other changes to the process.

EFFECTIVE DATE: April 1, 2022

Implied Consent for Drug Influence Evaluations (§ 118(a))

Under existing law, motor vehicle drivers consent to chemical tests of their blood, breath, or urine when they drive; and, if a driver is a minor, the law deems his or her parents to have consented (this provision is referred to as "implied consent"). Under the act, drivers (or their parents) also consent to a nontestimonial portion of a DRE-conducted drug influence evaluation.

Requests for Drug Influence Evaluations (§ 118(b))

Existing law allows a police officer who arrests a person for DUI to request that he or she submit to a blood, breath, or urine test under certain conditions. The act allows the officer to also ask the person to submit to (1) a drug influence evaluation conducted by a DRE or (2) both a drug influence evaluation and a blood, breath, or urine test.

The act generally applies existing law's conditions for requesting blood, breath, or urine tests to requests for drug influence evaluations. Thus, under the act, a police officer may ask someone to submit to a blood, breath, or urine test, or a drug influence evaluation, only after he or she is:

1. informed of his or her constitutional rights;
2. given reasonable opportunity to contact an attorney before the test or evaluation occurs;
3. informed that evidence of refusal to submit to a test or evaluation is admissible as evidence in DUI prosecutions, except that refusing to submit to the testimonial portions of drug influence evaluations is not refusal evidence; and
4. informed that his or her license or operating privilege may be suspended under administrative per se procedures if (a) he or she refuses a test or the nontestimonial portion of a drug influence evaluation or submits to a test and the results indicate an elevated BAC or (b) the officer, through his or her investigation, concludes that the person was driving under the influence of intoxicating liquor, a drug, or both.

The law prohibits giving a test if the subject refuses it. It requires police officers, when someone refuses or is unable to submit to a blood test, to designate a different type of test to be taken. If a test is refused, the officer must officially note that he or she informed the person of the conditions under which the license or driving privilege could be suspended as amended by the act. The act explicitly allows an officer who requested that a person take a breath test to, for reasonable cause, request and administer an additional, different type of chemical test to detect the presence of drugs other than, or in addition to, alcohol.

The act also extends this refusal procedure to requests for drug influence evaluations. It also specifies that if someone submits to a breath test and the results indicate that the person does not have an elevated BAC, the police officer may ask him or her to take a different type of test. But if he or she refuses to submit to a blood test, the officer must designate that a urine test be taken.

Arrest Reports and 24-Hour Suspension (§ 118(c) & (d))

The act (1) adds refusing the nontestimonial portion of a drug influence evaluation to the existing arrest reporting and 24-hour suspension procedures and (2) establishes a similar procedure for people who are arrested for DUI but not asked to take a test or whose results do not indicate an elevated BAC.

Refusing Test or Elevated BAC. Under existing law, if a person refuses to submit to a blood, breath, or urine test, or submits to a test within two hours after driving and the results indicate the person has an elevated BAC, then the police officer, acting on behalf of DMV, must immediately and for a 24-hour period (1) revoke and take possession of the person's driver's license or (2) suspend his or her operating privilege if he or she is a nonresident. Under the act, an officer must do the same if a person refuses the nontestimonial portion of a drug influence evaluation.

No Test Requested or No Elevated BAC. Under the act, if an officer arrests someone for DUI but does not ask the person to submit to a blood, breath, or urine test, or gets results indicating that the person does not have an elevated BAC, then the officer must (1) advise the person that his or her license or operating privilege may be suspended through the administrative per se process if the officer concludes, through an investigation, that the person was driving under the influence of alcohol, drugs, or both and (2) submit a report on the arrest and evidence.

The act requires the report to be submitted under existing law's procedures, and if the report includes test results that indicate no elevated BAC, then it must conform to the requirements for reports on test results that do indicate elevated BAC. In these reports, the officer must document (1) the basis for believing that there was probable cause to arrest the person for DUI and (2) if he or she concluded, through an investigation, that the person was driving under the influence of alcohol, drugs, or both. The officer may also submit with the report other supporting documentation indicating the person's intoxication.

Under the act, if the officer believes substantial evidence of DUI exists, then he or she must immediately, and for a 24-hour period, (1) revoke and take possession of the person's driver's license or (2) if the person is unlicensed or a nonresident, suspend his or her operating privilege.

Laboratory Analysis of Blood or Urine. The act eliminates provisions in prior law that:

1. prohibited an officer, if a blood or urine test specimen required laboratory analysis, from (a) taking possession of a person's license or suspending his or her operating privilege or (b) sending an arrest report to the commissioner and
2. required, if the lab results showed an elevated BAC, the officer to immediately notify and send the report to DMV.

DMV License Suspension (§ 118(e)-(h))

Under prior law, after receiving a report, the DMV commissioner had to suspend a person's license starting no later than 30 days after the person received notice of their arrest by the police officer. The act instead requires that the

suspension begin within 30 days after the person received the (1) notice of arrest or (2) results of a blood or urine test or a drug influence evaluation, whichever occurs later.

The suspension lasts for 45 days and is followed by a mandatory period of ignition interlock device use (see below).

Hearing. By law, people subject to administrative license suspension are entitled to a hearing before the suspension takes effect. They may request one by contacting DMV within seven days after the suspension notice's mailing date.

Under the act, the hearing for someone who was not asked to take a blood, urine, or breath test or whose test results did not indicate an elevated BAC is limited to determining the following issues, which are substantially similar to those under existing law's administrative per se process:

1. whether the police officer had probable cause to arrest the person for DUI;
2. whether the person was arrested;
3. whether the person was driving a vehicle under the influence of alcohol, drugs, or both; and
4. whether the person was driving the vehicle.

In these hearings, the following evidence of DUI is admissible:

1. police officer observations of intoxication, as documented in the report;
2. results of a chemical test administered in accordance with the DUI law or a toxicology report certified by the Department of Emergency Services and Public Protection's (DESPP) Division of Scientific Services;
3. hospital or medical records obtained in accordance with established procedures or with the driver's consent;
4. results of tests conducted by, or a report of, an officer trained in ARIDE; or
5. DRE reports.

Ignition Interlock Devices (§ 118(i))

The law imposes ignition interlock device (IID) penalties on people who (1) drive a vehicle with a BAC that exceeds certain thresholds, depending on their age, or (2) refuse to take a blood, breath, or urine test. The act extends these penalties, as shown in the table below, to people who (1) drive a vehicle under the influence of alcohol, drugs, or both, but who did not have an elevated BAC or were not asked to take a blood, breath, or urine test or (2) refuse a nontestimonial portion of a drug influence evaluation (see *Background*, above).

IID Penalties for Per Se Offense Under the Act

Per Se Offense	***IID Requirement (After 45-Day License Suspension)***		
	First Suspension	***Second Suspension***	***Third or Subsequent Suspension***
Age 21 or older: found to have	6 months	1 year	2 years

Per Se Offense	*IID Requirement (After 45-Day License Suspension)*		
	First Suspension	*Second Suspension*	*Third or Subsequent Suspension*
been driving under the influence of alcohol, drugs, or both			
Under Age 21: found to have been driving under the influence of alcohol, drugs, or both	1 year	2 years	3 years
Refusal of nontestimonial portion of drug influence evaluation, regardless of age	1 year	2 years	3 years

Existing law requires IID use for criminal DUI convictions, even for those involving drugs and not alcohol (CGS § 14-227a(i)).

Process if Driver Suffered Injury or Required Medical Treatment (§ 118(j))

Under existing law, if a police officer obtains a blood or urine sample from a driver who was arrested for DUI and physically injured in an accident or needed hospital treatment or observation, the officer must notify the DMV commissioner if the sample's results indicate that the operator had an elevated BAC. The act extends this requirement to blood sample results that show the presence of alcohol, a drug, or both.

The commissioner may then use this information when deciding to suspend the driver's license, in accordance with the procedures described above.

Background — IID Requirements

IIDs are installed in motor vehicles to prevent people from driving under the influence of alcohol. They require the driver to breathe into them to operate the vehicle. If the device detects a BAC above a certain threshold, it prevents the vehicle from starting. IIDs also require the driver to submit periodic breath samples while driving. Offenders must pay DMV a $100 fee before the device is installed; DMV uses this money to administer the interlock program. Offenders also must pay the costs of installing and maintaining the devices (CGS § 14-227a(i)).

§ 119 — PROCEDURES FOR ACCIDENTS RESULTING IN DEATH OR SERIOUS INJURY

Modifies intoxication testing procedures for accidents resulting in death or serious injury, including by requiring drug influence evaluations of surviving operators

Surviving Drivers

Existing law requires a blood or breath sample to be obtained from a surviving driver whose vehicle was involved in an accident resulting in another person's death or serious physical injury if (1) a police officer has probable cause to believe that the driver operated the vehicle while under the influence of alcohol, drugs, or both or (2) the driver has been charged in connection with the accident and the officer has a reasonable suspicion that he or she was under the influence. The sample must be tested according to DESPP-approved methods and equipment.

The act additionally (1) requires that a DRE conduct a drug influence evaluation of a surviving operator if the operator is not seriously injured or otherwise unable to take the evaluation because of the accident and (2) allows a urine sample to be taken instead of a blood or breath sample.

The act requires police officers who obtain a blood, breath, or urine sample from the surviving driver, or conduct a drug influence evaluation on the surviving driver, to submit a written report to the DMV commissioner with the respective results. It allows the commissioner, after notice and opportunity for a hearing held according to the administrative per se procedures, to impose the associated license suspension and IID penalties. The hearing must be limited to determining whether:

1. the person was operating the vehicle;
2. the person's sample or the drug influence evaluation was properly obtained or conducted, as applicable, according to the law's requirements; and
3. the examined sample had an elevated BAC or if the person drove the vehicle under the influence of alcohol, drugs, or both.

ARIDE-Trained Officers at Fatal Accidents

The act requires law enforcement units, when responding to a fatal motor vehicle accident, to assign an ARIDE-trained officer to respond if one is available.

Examination of Samples

By law, the chief medical examiner and other specified officials must include in a fatal motor vehicle accident investigation a blood sample from any driver or pedestrian who dies in the accident.

Prior law required DESPP's Division of Scientific Services or the chief medical examiner to examine the samples. Under the act, a forensic toxicology laboratory under an agreement with the Office of the Chief Medical Examiner may also examine them.

EFFECTIVE DATE: April 1, 2022

§ 120 — COMMERCIAL VEHICLE DRIVING DISQUALIFICATION

Extends existing commercial motor vehicle driving disqualification penalties to drivers who refused a drug influence evaluation or drove under the influence of alcohol, drugs, or both

Under existing law, if a commercial driver's license holder either refuses a test to determine BAC while driving any vehicle or fails the test, then he or she is disqualified from driving a commercial motor vehicle for (1) one year for a first offense and (2) life upon a second or subsequent offense.

The act imposes these disqualification penalties on someone who (1) refuses to submit to the nontestimonial portion of a drug influence evaluation by a DRE or (2) was found to have driven a vehicle under the influence of alcohol, drugs, or both through the administrative per se procedures.

EFFECTIVE DATE: April 1, 2022

§ 121 — EDUCATIONAL MATERIALS ON DRE PROGRAM AND DRUG INFLUENCE EVALUATIONS

Requires the Traffic Safety Resource Prosecutor to develop educational materials and programs about the DRE program and drug influence evaluations

The act requires the traffic safety resource prosecutor, in consultation with other entities, to (1) seek guidance from NHTSA, (2) develop educational materials and programs about the DRE program and drug influence evaluations, and (3) make them available to the judicial branch and the Connecticut Judges Association. The prosecutor must develop the materials in consultation with DOT, DMV, the Connecticut Police Chiefs Association, and the statewide DRE coordinator.

EFFECTIVE DATE: July 1, 2021

§ 122 — ADMINISTRATIVE PENALTIES FOR BOATING UNDER THE INFLUENCE

Makes changes to DEEP's administrative sanctions process for boating under the influence that are substantially similar to the act's changes to DMV's administrative per se process

The law establishes a process for DEEP to impose administrative sanctions on boaters who operate boats with an elevated BAC or who refuse to submit to a blood, breath, or urine test. These procedures largely parallel the administrative per se procedures for driving with an elevated BAC or refusing to submit to a test (see above). Like DMV, under prior law DEEP could not suspend a drug-impaired boater's safe boating certificate or certificate of personal watercraft operation ("certificate") if he or she did not have an elevated BAC.

The act's changes to this process are substantially similar to the changes it makes to DMV's administrative per se procedures. It (1) expands the process to include procedures for imposing certification sanctions on boaters who do not have an elevated BAC but are found to be boating under the influence based on evidence of behavioral impairment, among other things, and (2) applies the existing process to boaters who refuse the nontestimonial portion of a drug

influence evaluation. Its other changes include the following, among other things:

1. deeming that boaters consent to a nontestimonial portion of a drug influence evaluation conducted by a DRE;
2. allowing peace officers to request drug influence evaluations in addition to or instead of a blood, breath, or urine test under the same conditions that apply to police officers under the administrative per se statute for DUI;
3. requiring a peace officer to revoke certificates, following procedures substantially similar to the DUI per se process, if the (a) boater refuses a drug influence evaluation or (b) officer concludes, through his or her investigation, that the boater operated a boat under the influence of alcohol, drugs, or both;
4. establishing review standards for hearings for boaters who did not refuse a test or whose results did not indicate an elevated BAC that align with those under the DUI administrative per se process; and
5. imposing existing suspension periods (which are different than those under the DUI administrative per se process) on people found to be operating a boat under the influence of alcohol, drugs, or both (see the table below).

Administrative Certificate Suspensions

Violation	*First Offense*	*Second Offense*	*Third or Subsequent Offense*
(1) BAC of 0.08% or more (or 0.02% if under age 21) or (2) found to have been boating under the influence of alcohol, drugs, or both	90 days	9 months	2 years
BAC of 0.16% or more	120 days	10 months	2 years, 6 months
Refusal of test	6 months	1 year	3 years

Unlike its DMV administrative per se changes, the act does not similarly extend the penalties for refusing a test to refusing the nontestimonial portion of a drug influence evaluation.

EFFECTIVE DATE: April 1, 2022

§ 123 — BOATING UNDER THE INFLUENCE

Makes changes to the boating under the influence law that are substantially similar to those the act makes to the DUI law

State law prohibits boating (1) while under the influence of alcohol or drugs or (2) with an elevated BAC (i.e., at least 0.08%, or 0.02% in the case of boaters under age 21) (CGS § 15-133(d)). It imposes penalties for boating under the influence convictions, including prison time, fines, and certificate suspension (see *Background*).

The act makes changes to the boating under the influence law that are substantially similar to those it makes to the DUI law. These changes include allowing:

1. evidence that a defendant refused to submit to the nontestimonial portion of a drug influence evaluation to be admitted as evidence under conditions substantially similar to those that apply to DUI (see above) and
2. the court to take judicial notice that ingesting cannabis (a) can impair a person's boating ability, motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control, and memory and (b) does not enhance a person's ability to boat safely.

EFFECTIVE DATE: April 1, 2022

Background — Boating Under the Influence Penalties

The table below shows the law's penalties for boating under the influence. A subsequent conviction is one that occurs within 10 years after a prior conviction for the same offense (CGS § 15-133(h)).

Boating Under the Influence Penalties

Offense	*Fine*	*Prison/Community Service*	*Suspension*
First	$500-$1,000	(1) Up to six months, with a mandatory minimum of 48 consecutive hours and (2) probation and 100 hours community service	One year
Second	$1,000-$4,000	(1) Up to two years, with a mandatory minimum of 120 consecutive days and (2) probation and 100 hours community service	Three years, or until age 21, whichever is longer
Third	$2,000-$8,000	(1) Up to three years, with a mandatory minimum of one year and (2) probation and 100 hours community service	Permanent revocation

§ 124 — DOT RECOMMENDATIONS ON IMPAIRED DRIVING DATA COLLECTION AND PILOT PROGRAMS

Requires DOT to make recommendations on impaired driving data collection and pilot programs on electronic warrants and oral fluid testing in impaired driving investigations

The act requires the DOT commissioner, by July 1, 2022, and in consultation with the DMV commissioner and the Statewide Impaired Driving Task Force (see

Background), to make recommendations to the governor and the Judiciary and Transportation committees about:

1. enhancing impaired driving data collection, including the possibility of reorganizing the state's impaired driving statutes into separate offenses for driving under the influence of alcohol, driving under the influence of a drug, and driving under the influence of both alcohol and a drug;
2. implementing an electronic warrant pilot program in impaired driving investigations; and
3. the merits and feasibility of a pilot program for oral fluid testing in these investigations.

EFFECTIVE DATE: July 1, 2021

Background — Statewide Impaired Driving Task Force

The Connecticut Impaired Driving Task Force was established administratively in 2013 to coordinate state and local efforts on reducing impaired driving crashes and fatalities. It includes members from DOT's Highway Safety Office, DMV, the Office of the Chief State's Attorney, POST, the Division of Scientific Services, state and local law enforcement, universities, hospitals, researchers, and private traffic safety organizations.

§§ 125 & 127 — STATE CANNABIS TAX

Establishes a state tax on retail sales of cannabis, cannabis plant material, and cannabis edible products by cannabis retailers, hybrid retailers, and micro-cultivators; directs the tax revenue to the General Fund, a new General Fund account, and two new appropriated funds, according to a specified schedule

Rate and Base (§ 125(b))

The act imposes a state tax on retail sales of cannabis, cannabis plant material, and cannabis edible products by a cannabis retailer, hybrid retailer, or micro-cultivator, with certain exceptions. The tax rate is based on the product's type and total THC reflected on its label. Specifically, it is:

1. 0.625 cents per milligram of total THC for cannabis plant material;
2. 2.75 cents per milligram of total THC for cannabis edible products (i.e., products containing cannabis or cannabis concentrate, combined with other ingredients, that are intended to be ingested, including sublingual or oral absorption); and
3. 0.9 cents per milligram of total THC for cannabis, other than cannabis plant material or cannabis edible products.

The tax does not apply to (1) sales of cannabis for palliative (i.e., medical) use; (2) sales of cannabis by a delivery service to a consumer; or (3) the transfer of cannabis to a transporter for transport to any other cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

Retailers and micro-cultivators must collect the tax from consumers at the

time of sale (except for the exempt sales described above). They must collect either (1) the full amount of the tax imposed under the act or (2) an amount equal to the average equivalent of the tax to the nearest amount practicable. The tax is a debt from the consumer to the retailer or micro-cultivator and, when added to the original sales price, is recoverable in the same manner as other debts.

The collected tax amounts are deemed a special fund in trust for the state until remitted to it. The tax applies in addition to the 3% municipal cannabis tax established under the act (see § 126) and the 6.35% state general sales tax.

Tax Remittance (§ 125(c))

Under the act, on or before the last day of each month in which cannabis retailers, hybrid retailers, and micro-cultivators may legally sell cannabis (other than for palliative use) in the state, they must (1) file a tax return with the Department of Revenue Services (DRS) and (2) remit the tax due with the return. The returns must be in the form and contain the information the commissioner prescribes necessary for the tax's administration. They must file the returns electronically with DRS and, to the extent possible, pay the tax by electronic funds transfer in the manner provided under existing law for other tax payments.

Delinquent Taxes (§ 125(d))

Under the act, late tax payments are subject to a penalty of 25% of the amount due and unpaid or $250, whichever is greater, plus interest at 1% per month or fraction of a month from the due date to the payment date.

Subject to the existing Penalty Review Committee requirements, the DRS commissioner may waive all or part of these penalties when it is proven to the commissioner's satisfaction that failing to pay the tax within the timeframe was due to reasonable cause and was not intentional or neglectful. Any penalty that is waived must be applied as a credit against tax liabilities owed by the retailer or micro-cultivator.

Liability for Willful Nonpayment of Taxes (§ 125(e))

The act makes those who are responsible for collecting, truthfully accounting for, and paying the tax on behalf of a cannabis retailer, hybrid retailer, or micro-cultivator personally liable if they willfully fail to collect, truthfully account for, or pay the tax and it cannot be collected from the business.

Under the act, an individual or business (and any officer, partner, or employee of a business) that is responsible for filing the return and paying the tax on the retailer's or micro-cultivator's behalf is personally liable for the full unpaid tax, plus interest and penalties, if (1) the individual or business willfully fails to collect, truthfully account for, and pay it, or willfully attempts to evade or defeat the tax and (2) the tax, penalty, or interest cannot otherwise be collected from the cannabis retailer, hybrid retailer, or micro-cultivator. The dissolution of the retailer or micro-cultivator does not free the person from liability.

DRS must (1) collect the penalty using the same methods for collecting unpaid admissions and dues taxes (i.e., tax warrants, liens against real property, and foreclosure against that property) and (2) credit any amount collected from the individual or business against the taxes owed by the cannabis retailer, hybrid retailer, or micro-cultivator.

Tax Enforcement (§ 125(f))

The act applies the same collection, enforcement, and appeal process requirements established in statute for the admissions and dues taxes to the state cannabis tax, except those provisions inconsistent with the act. Under these provisions, the DRS commissioner can (1) impose a deficiency assessment and penalty; (2) impose record retention requirements on taxpayers and examine all their records; and (3) administer oaths, subpoena witnesses, and receive testimony. The retailers and micro-cultivators can request a hearing on the amount of taxes they must pay and appeal the hearing decision if aggrieved. Lastly, an additional penalty may be imposed for willful violations or filing fraudulent returns.

Refunds (§§ 125(g) & 127(d))

The act bars the DRS commissioner from refunding any state cannabis tax paid by a cannabis retailer, hybrid retailer, or micro-cultivator. Under the act, this provision must not be construed as a waiver of sovereign immunity or as authorizing suit against the state or any political subdivision by anyone (1) against whom any tax, penalty, or interest was erroneously or illegally assessed or (2) from whom any tax, penalty, or interest has been erroneously or illegally collected.

Regulations (§ 125(h))

The act authorizes the DRS commissioner to adopt implementing regulations for the state cannabis tax, municipal cannabis tax (see § 126), and cannabis-related state sales tax provisions (see § 127). Regardless of the Uniform Administrative Procedures Act's regulation-adoption process, before adopting the regulations, the commissioner must issue policies and procedures to implement these tax provisions. These policies and procedures have the force and effect of law.

At least 15 days before the policies and procedures take effect, the act requires the commissioner to post them on DRS' website and submit them to the secretary of the state for posting on the eRegulations system. A policy or procedure is no longer effective once adopted as a final regulation or on July 1, 2025, whichever is earlier.

Revenue Distribution (§ 125(i))

The act directs the revenue from the state cannabis tax to the General Fund, one new General Fund account, and two new appropriated funds established under the act (see § 128). The following table provides the act's revenue distribution schedule.

State Retail Cannabis Tax Revenue Distribution

Funds and Accounts	*FY 22*	*FY 23*	*FYs 24-26*	*FYs 27-28*	*FYs 29+*
Cannabis Regulatory and Investment Account	100%	-	-	-	-
General Fund	-	100%	15%	10%	-
Social Equity and Innovation Fund	-		60%	65%	75%
Prevention and Recovery Services Fund	-		25%	25%	25%

Recording Revenue (§ 125(j))

The act authorizes the state comptroller to record the revenue the tax generates each fiscal year no later than five business days after the end of July following the end of the fiscal year.

EFFECTIVE DATE: July 1, 2021

§§ 126 & 127 — MUNICIPAL CANNABIS TAX

Imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state's 6.35% sales tax and the state cannabis tax established under the act; specifies the purposes for which municipalities may use the tax revenue

Rate and Base (§ 126(a))

The act imposes a 3% municipal sales tax on the gross receipts from the sale of cannabis by a cannabis retailer, hybrid retailer, or micro-cultivator that must be administered in accordance with the state sales and use tax law. Under the act, "gross receipts" means the total amount received from cannabis sales by the retailer or micro-cultivator. The municipal sales tax is in addition to the state cannabis tax established under the act and 6.35% state sales tax on such products.

The act exempts from the municipal sales tax:

1. cannabis for palliative use;
2. sales of cannabis by a delivery service to a consumer; and
3. the transfer of cannabis to a transporter for transport to any cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

The tax must be collected from consumers at the time of sale (except for the exempt sales described above) and be held in trust until remitted to the municipality.

Tax Remittance and Revenue Distribution (§ 126(b))

The act establishes a process by which the retailers and micro-cultivators must file tax returns with DRS but remit the tax payments to the municipalities where the sales occurred.

Under the act, each cannabis retailer, hybrid retailer, and micro-cultivator must file a return with DRS on or before the last day of each month in which it may legally sell cannabis (other than for palliative use). The DRS commissioner must prescribe the return and the information it must contain as necessary to administer the tax. When possible, the return must be filed electronically.

The act requires each municipality where a cannabis retailer, hybrid retailer, or micro-cultivator is located to submit to the DRS commissioner, at least annually, the name and contact information of the person designated by the municipality to receive notifications about the tax. The DRS commissioner must (1) notify these people of the tax amount reported due from each of these retailers and micro-cultivators located in their respective municipalities and (2) set policies and procedures for doing so.

Within 60 days after receiving this notice from DRS, each municipality must invoice each applicable cannabis retailer, hybrid retailer, and micro-cultivator according to the law for DRS notices (i.e., they may send the invoice by first-class mail and service is effected when they put the letter in a mailbox or bring it to the post office). The retailer or micro-cultivator must remit payment to the municipality within 30 days after the invoice was sent. Under the act, the amounts remitted become a part of the municipality's general revenue and must be used for any of the following purposes:

1. streetscape improvements and other neighborhood developments in communities where cannabis retailers, hybrid retailers, or micro-cultivators are;
2. education programs or youth employment and training programs in the municipality;
3. services for individuals living in the municipality who were released from DOC custody, probation, or parole;
4. mental health or addiction services;
5. youth service bureaus and municipal juvenile review boards; and
6. community civic engagement efforts.

Delinquent Taxes (§ 126(c))

Under the act, late tax payments are subject to a penalty of 25% of the amount due and unpaid or $250, whichever is greater, plus interest at 1% per month or fraction of a month from the due date to the payment date. Municipalities may, by vote of their legislative bodies, waive all or part of this penalty if they find that

failing to pay the tax within the timeframe was due to reasonable cause and was not intentional or neglectful. Any penalty waiver must be applied as a credit against the taxpayer's future tax liabilities.

Liens for Unpaid Taxes (§ 126(d))

The act authorizes municipalities to impose a lien on the real property of a cannabis retailer, hybrid retailer, or micro-cultivator for nonpayment of the tax, up to the amount of unpaid taxes, penalties, and interest. These liens have the same priority as municipal real property tax liens.

Enforcement Authority (§ 126(e))

Under the act, the DRS commissioner may review and adjust any municipal cannabis tax return filed by a cannabis retailer, hybrid retailer, or micro-cultivator and may issue any resulting assessments, according to the collection, enforcement, and appeal process requirements set in statute for the admissions and dues taxes. Under the act, these requirements apply to the municipal cannabis tax, except when they are inconsistent with the act.

Refunds and Overpayments (§§ 126(f) & 127(d))

The act prohibits (1) cannabis retailers, hybrid retailers, micro-cultivators, and municipalities from issuing refunds to purchasers for any municipal cannabis sales tax paid and (2) municipalities from issuing refunds to retailers or micro-cultivators. It also prohibits tax overpayments made by purchasers, retailers, or micro-cultivators from being applied to any other liability due to the municipality.

Under the act, these provisions must not be construed as a waiver of sovereign immunity or as authorizing suit against the state or any political subdivision by anyone (1) against whom any tax, penalty, or interest was mistakenly or illegally assessed or (2) from whom any tax, penalty, or interest has been mistakenly or illegally collected.

EFFECTIVE DATE: July 1, 2021

§§ 127 & 129 — STATE SALES TAX ON CANNABIS

With certain exceptions, prohibits exemptions under the state's sales and use tax law from applying to cannabis sales; prohibits refunds to purchasers and businesses for sales and use taxes paid on cannabis

Exemptions Generally Disallowed (§ 127(b))

The act generally prohibits any exemptions under the state's sales and use tax law from applying to cannabis sales, other than exemptions for (1) sales of cannabis for palliative use and (2) the transfer of cannabis to a transporter, as described below.

The act also prohibits anyone from purchasing cannabis on a resale basis. (By

law, sales for resale are generally exempt from state sales and use tax.)

Exemption for Cannabis Transports (§ 127(a))

The act exempts from the sales and use tax the transfer of cannabis to a transporter by specified entities for transport to other such entities. The exemption applies to transfers by cultivators, micro-cultivators, food and beverage manufacturers, product manufacturers or packagers, dispensary facilities, cannabis retailers, hybrid retailers, or producers to a transporter.

Exemption for Nonprescription Drugs and Medicines (§ 129)

The act adds palliative cannabis to the list of nonprescription drugs and services that are statutorily exempt from the state sales and use tax. Under existing DRS practice, cannabis sold for palliative use by licensed dispensaries is considered a natural or herbal drug or medicine and so is exempt as a nonprescription drug and medicine.

The act also explicitly excludes any products containing cannabis or cannabinoids from the nonprescription drug or medicine exemption. It defines "cannabinoids" as manufactured or synthetic cannabinoids.

Refunds (§ 127(c) & (d))

The act prohibits DRS, cannabis retailers, hybrid retailers, micro-cultivators, or delivery services from issuing refunds to purchasers for any sales and use tax paid on cannabis. It also prohibits DRS from issuing sales and use tax refunds to cannabis or hybrid retailers, micro-cultivators, or delivery services.

As with the state cannabis tax and municipal sales tax provisions described above, the act specifies that these provisions must not be construed as a waiver of sovereign immunity or as authorizing suit against the state or any political subdivisions by anyone (1) against whom any tax, penalty, or interest was erroneously or illegally assessed or (2) from whom any tax, penalty, or interest has been erroneously or illegally collected.

EFFECTIVE DATE: July 1, 2021

§ 128 — NEWLY ESTABLISHED GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS

Establishes two new General Fund accounts (the cannabis regulatory and investment account and social equity and innovation account), directs specified fee and tax revenue to the accounts for FY 22, and requires OPM to allocate the account funds to state agencies for specified purposes; beginning in FY 23, establishes two new appropriated funds (the Social Equity and Innovation Fund and Prevention and Recovery Services Fund), and requires that money in the funds be appropriated for specified purposes

Cannabis Regulatory and Investment Account

The act establishes the cannabis regulatory and investment account as a separate, nonlapsing account in the General Fund and requires that it contain any money the law requires. The Office of Policy and Management (OPM) secretary must allocate the account's funds to state agencies to pay any costs incurred to implement the act.

Under the act, for FY 22, the following amounts received by the state must be deposited in the account:

1. criminal history check fees from applicants for a cannabis establishment license, laboratory or research program license, or key employee license (§ 30);
2. fees paid by applicants for the various cannabis establishment licenses to enter the lottery or for a provisional or final license or renewal (i.e., retailer, hybrid retailer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, or delivery service or transporter licenses) (§ 34);
3. fees paid for an initial or renewal backer license, key employee license, or other employee registration (§ 34);
4. any state cannabis tax revenue (§ 125); and
5. any state sales and use tax revenue received from a cannabis retailer, hybrid retailer, or micro-cultivator.

Social Equity and Innovation Account

The act establishes the social equity and innovation account as a separate, nonlapsing General Fund account and requires that it contain certain money. The OPM secretary must allocate the account's funds to state agencies to (1) pay costs incurred by the Social Equity Council and (2) administer the act's programs that provide access to business capital, technical assistance for business start-ups and operations, workforce education, and community investments.

For FY 22, the act requires that all fees received by the state from the following be deposited in the account:

1. medical marijuana producers to expand their licenses and be authorized to engage in expanded activities (§ 26),
2. dispensary facilities to convert to a hybrid retailer (§ 145),
3. social equity applicants to receive a cultivator license for facilities located in a disproportionately impacted area without participating in a lottery (§ 149), and
4. license conversion for a (a) dispensary facility to become a hybrid retailer or (b) producer to engage in the adult use cannabis market (§ 34).

Social Equity and Innovation Fund

Beginning July 1, 2022, the act establishes the Social Equity and Innovation Fund as a separate, nonlapsing fund that must contain any money the law requires. The state treasurer must hold the fund separately from other moneys, funds, and accounts.

The act requires that the fund be appropriated for (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, and (4) community investments. These appropriations must be dedicated to expenditures that further the act's principles of equity. The act defines "equity" and "equitable" as efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to:

1. identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender, and sexual orientation;
2. ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and
3. prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities on these bases.

The act requires the Social Equity Council (see § 22 above), beginning in FY 23, to transmit to the OPM secretary estimated expenditure requirements (for even-numbered years) and recommended adjustments and revisions (for odd-numbered years), as prescribed under existing law for budgeted agencies. It also requires the council to recommend appropriate funding for each fiscal year, beginning with FY 23, for angel investor tax credits for investments in cannabis businesses (see § 133).

OPM may not change any of these estimates, adjustments, or revisions. In addition, the governor may not cut any of the Social Equity and Innovation Fund's appropriations by (1) using his rescission authority to reduce allotment requisitions or allotments in force or (2) making reductions in allotments to achieve General Fund budget savings.

Prevention and Recovery Services Fund

Beginning July 1, 2022, the act establishes the Prevention and Recovery Services Fund as a separate, nonlapsing fund that must contain any money the law requires. The state treasurer must hold the fund separately from other moneys, funds, and accounts.

The fund must be appropriated for (1) substance abuse prevention, treatment, and recovery services and (2) substance abuse data collection and analysis.

EFFECTIVE DATE: July 1, 2021

§§ 130-132 & 173 — MARIJUANA AND CONTROLLED SUBSTANCES TAX

Repeals the marijuana and controlled substances tax

The act repeals the tax on marijuana and controlled substances that are illegally purchased, acquired, transported, or imported into the state. In doing so, it cancels any outstanding liabilities or assessments for the tax related to marijuana and authorizes the DRS commissioner to take any action necessary to effectuate this cancellation. Under the act, any such cancellation does not entitle anyone affected by it to a refund or credit for any amount paid or collected in

connection with the liability or assessment.
EFFECTIVE DATE: July 1, 2021

§ 133 — ANGEL INVESTOR TAX CREDITS FOR SOCIAL EQUITY APPLICANTS

Extends the angel investor tax credit program to eligible cannabis businesses owned and controlled by social equity applicants; allows investors to claim a 40% income tax credit for credit-eligible investments in these businesses; imposes a $15 million per fiscal year cap on these credits and increases the total credits allowed under the program to $20 million per fiscal year; and extends the program's sunset date by four years to 2028

The angel investor tax credit program provides personal income tax credits to angel investors (i.e., investors whom the Securities and Exchange Commission considers "accredited investors") who make qualifying cash investments in eligible Connecticut businesses. The act extends this program to include eligible "cannabis businesses," thus allowing eligible investors to receive income tax credits for investing in these businesses. A "cannabis business" is a cannabis establishment (1) for which a social equity applicant was granted a license or provisional license, and (2) in which a social equity applicant or applicants have an ownership interest of at least 65% and control of the establishment. The act makes many conforming changes to the program's statutes.

Under prior law, no new angel investor tax credits could be reserved after June 30, 2024. The act extends this sunset date to June 30, 2028.
EFFECTIVE DATE: July 1, 2021

Cannabis Businesses Eligible for Angel Investments

By law, a business must apply for and receive approval from Connecticut Innovations, Inc. (CI) in order to receive credit-eligible investments. Under the act, a cannabis business must meet most of the same criteria that existing law specifies for other eligible businesses. Specifically, the cannabis business must be primarily owned by the business management and their families and have:

1. gross revenues of less than $1 million in the most recent income year;
2. fewer than 25 employees, more than 75% of whom are Connecticut residents; and
3. received less than $2 million in investments from credit-eligible angel investors.

Businesses eligible under existing law must meet these same criteria and have (1) their principal place of business in Connecticut and (2) operated in Connecticut for less than seven consecutive years.

Credit Amount

Under the act, angel investors who invest at least $25,000 in approved cannabis businesses are eligible for a personal income tax credit equal to 40% of their investment, up to $500,000. As under existing law, investments in other

approved businesses continue to qualify for a 25% credit, subject to the same minimum investment and maximum credit requirements.

Credit Cap

The act establishes a $15 million per fiscal year cap on the amount of tax credits CI may reserve for cash investments made in qualified cannabis businesses. As under existing law, CI may reserve up to $5 million in credits each fiscal year for investments in other qualified businesses. So, the act increases, from $5 million to $20 million, the aggregate amount of angel investor credits CI may reserve each fiscal year, beginning with FY 22.

Investments in Emerging Technology Businesses

Under existing law, the amount of credits that CI may reserve each year for investments in emerging technology businesses is generally capped at 75% of the total amount of credits available that year. The act specifies that this limitation applies only to credits available for investments under the existing program (i.e., not to cannabis businesses).

Reporting

Existing law requires CI to annually review the angel investor tax credit program's cumulative effectiveness and submit the review to OPM and the Commerce Committee. The review must include specified information about each qualified business receiving an angel investment (e.g., the business's economic impact). The act requires CI to also provide this information for cannabis businesses that receive angel investments.

§§ 134 & 135 — CANNABIS-RELATED FINANCIAL ASSISTANCE AND WORKFORCE TRAINING PROGRAMS

Authorizes up to $50 million in state general obligation bonds for DECD and the Social Equity Council to use for specified financial assistance and workforce training programs

Bond Authorization (§ 134)

The act authorizes up to $50 million in general obligation bonds for the Department of Economic and Community Development (DECD) and the Social Equity Council to jointly use for the following purposes:

1. low-interest loans to social equity applicants, municipalities, or nonprofits to rehabilitate, renovate, or develop unused or underused real property for use as a cannabis establishment (see § 135);
2. capital to social equity applicants seeking to start or maintain a cannabis establishment;
3. development funds or ongoing expenses for the cannabis business accelerator program (see § 38); and

4. development funds or ongoing expenses for the workforce training programs developed by the Social Equity Council (see § 39).

The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

Program Implementation (§ 135)

The act specifically requires DECD and the council to jointly establish a revolving loan program to provide the low-interest loans described above. They must establish the program's parameters, including (1) the loan eligibility requirements, (2) the application form and required information and documentation, (3) the loan terms (e.g., interest rates and duration), (4) a plan for publicizing and marketing the program, and (5) any other requirements needed to implement the program.

The act also requires DECD and the Social Equity Council to jointly establish the application forms, applicant requirements, and any other provisions needed to implement the other financial assistance and training programs described above. Additionally, they must post information about the loan program and other funding available under these provisions on the DECD and Department of Consumer Protection websites.

EFFECTIVE DATE: July 1, 2021

§§ 136-139 & 173 — REPEAL OF OBSOLETE PROVISIONS

Repeals obsolete provisions on medical marijuana patient temporary registration certificates

The act repeals obsolete provisions on temporary registration certificates for qualifying medical marijuana patients. These provisions became obsolete when DCP adopted implementing regulations in 2013. The act also makes related conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 140 — DEPUTY DCP COMMISSIONER

Requires the governor to appoint a deputy DCP commissioner who is responsible for cannabis regulation

The act requires the governor to appoint, with the advice and consent of one legislative chamber, a deputy DCP commissioner who is responsible for cannabis regulation under the act.

EFFECTIVE DATE: July 1, 2021

§ 143 — CANNABIS CULTIVATION EXCLUDED FROM FARMING DEFINITION

Specifies that the statutory definitions of "agriculture" and "farming" do not include cannabis cultivation

The act specifies that the general statutory definitions of "agriculture" and "farming" do not include cannabis cultivation.
EFFECTIVE DATE: July 1, 2021

§ 144 — REPORT ON CANNABIS ESTABLISHMENT LOCATIONS

Requires the Social Equity Council to report on where cannabis establishments are located, including whether they are predominantly in communities of color

The act requires the Social Equity Council, by January 1, 2025, to report to the governor and the General Law and Judiciary committees on cannabis establishments' location data, including whether they are predominantly located in communities of color.
EFFECTIVE DATE: Upon passage

§ 146 — DPH PROGRAM ON CANNABIS-RELATED PUBLIC HEALTH INFORMATION

Establishes a DPH program to collect, abstract, and report timely public health information on the impact of cannabis use (e.g., cannabis-associated illness, adverse events, injuries, and poisoning); requires the program to (1) share statewide data to inform policy makers and citizens on the impact of cannabis legalization and (2) work with other specified state agencies to disseminate public health alerts

The act establishes a program within DPH that uses state and national data sources to collect and abstract timely public health information on (1) cannabis-associated illness and adverse events, (2) fatal and non-fatal injuries, and (3) cannabis use poisoning.

Under the act, the program must:

1. serve as a data coordinator, analysis, and reporting source of cannabis data and statistics, including illness, adverse events, injury, pregnancy outcomes, childhood poisoning, adult and youth use, cannabis-related emergency room visits, and urgent care episodic mental health visits;
2. perform epidemiologic analysis on demographic, health, and mortality data to identify risk factors and changes in trends;
3. work with DCP, DMHAS, and any other entity the DPH commissioner deems necessary to disseminate public health alerts; and
4. share statewide data to inform policy makers and citizens on the impact of cannabis legalization by posting on the DPH website public health prevention information and cannabis use-associated morbidity and mortality statistics.

The act requires DPH to annually report, starting by April 1, 2023, to the Appropriations, Human Services, and Public Health committees on the public health information on cannabis the program collects.
EFFECTIVE DATE: January 1, 2022

§ 147 — HEMP

Allows certain cannabis establishment entities to manufacture, market, cultivate, or store hemp and hemp products and get these products from other legal sources; requires these purchased products to be tracked throughout the manufacturing process

Hemp and Hemp Products

The act allows any producer, cultivator, micro-cultivator, and product manufacturer to manufacture, market, cultivate, or store hemp and hemp products in accordance with existing hemp laws and regulations. The act also allows them to get hemp and hemp products from a person authorized under Connecticut law or the law of another U.S. state, territory, or possession or other sovereign entity to possess and sell these products.

Definitions

As under the existing hemp laws, "hemp" is the plant Cannabis sativa L. and any part of it, including seeds and derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3% on a dry weight basis. "Hemp products" are the following products containing a THC concentration of not more than 0.3% on a dry weight basis or per product volume or weight (1) commodities manufactured from the hemp plant for commercial or research purposes that are intended for human ingestion, inhalation, absorption, or other internal consumption (i.e., "manufacturer hemp products") and (2) raw hemp products, fiber-based hemp products, or animal hemp food products made in the state (i.e., "producer hemp products").

Third-Party Tracking

The act requires the hemp or hemp products these entities purchase from third parties to be tracked as a separate batch throughout the manufacturing process to document their disposition. Once the entity receives these products, they are deemed cannabis and the entity must comply with the applicable cannabis laws and statutes. Entities must keep a copy of the certificate of analysis for hemp or hemp products purchased and the invoice and transport documents that show the quantity purchased and date received.

Medical Marijuana Dispensaries and Laboratories

The act prohibits hemp or hemp products from being sold or distributed within a dispensary facility or the business premises of a cannabis retailer or hybrid retailer.

EFFECTIVE DATE: July 1, 2021

§ 148 — MUNICIPAL ZONING AUTHORITY AND APPROVAL REQUIREMENTS

Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; allows the DCP commissioner to set a cap in the future

General Zoning Authority and Restrictions

The act allows municipalities to amend their zoning regulations or enact local ordinances to take the following actions regarding cannabis establishments:

1. prohibit their establishment;
2. reasonably restrict their hours and signage; or
3. restrict their proximity to public or parochial schools, charitable institutions, hospitals, veterans' homes, or certain military establishments or religious institutions.

The act requires municipal chief zoning officials to report these zoning changes to the OPM secretary and DCP. They must report in writing within 14 days after adopting the change.

The act generally prohibits any restrictions on cannabis establishment hours, zoning, or signage from applying to existing businesses until five years after the restriction is adopted. This delay does not apply if the business converts to a different license type.

If municipalities take no action through zoning regulations or ordinances, these establishments must be zoned as similar uses would be.

Affirmative Zoning Approval for Retailers and Micro-Cultivators

Until June 30, 2024, the act establishes a density cap of one retailer and one micro-cultivator for every 25,000 residents, as determined by the most recent decennial census, and prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than the cap allows. Beginning July 1, 2024, the act allows the DCP commissioner to establish a density cap and post it on DCP's website. If she does so, municipalities are then prohibited from granting zoning approval for more establishments than the cap allows. Any cap must ensure reasonable access to cannabis by consumers.

In order to ensure compliance, the act requires a special permit or other affirmative approval for any retailer or micro-cultivator seeking to be located within a municipality. A municipality must not grant the special permit or approval for any applicant if it would result in exceeding the applicable density cap.

When awarding final licenses for a retailer or micro-cultivator, DCP may assume that if an applicant for the final license has zoning approval, the approval does not violate this provision or any other municipal restrictions on the number or density of cannabis establishments.

EFFECTIVE DATE: July 1, 2021

§ 149 — CULTIVATOR LICENSE

Allows social equity applicants, for a limited time, to receive a cultivator license without participating in a lottery for facilities located in a disproportionately impacted area

Under the act, 30 days after the Social Equity Council posts the criteria for social equity applicants on its website, DCP must open a three-month application period for cultivators during which a social equity applicant may apply for a provisional and final cultivator license without participating in a lottery or request for proposals. This applies only to facilities located in disproportionately impacted areas.

The application for a provisional license must be granted upon (1) the Social Equity Council's verification that the applicant meets the social equity applicant criteria; (2) the applicant submitting to and passing a criminal background check; and (3) payment of a $3 million fee to be deposited in the Social Equity and Innovation Fund. Upon granting the provisional license, DCP must notify the applicant of the act's project labor agreement requirements (see § 103).

To obtain a final cultivator license under this provision, the applicant must provide evidence of:

1. a contract with an approved seed-to-sale tracking system vendor in accordance with the act's provisions,
2. a right to exclusively occupy a location in a disproportionately impacted area where the cultivation facility will be located,
3. any necessary local zoning approval and permits for the cultivation facility,
4. a business plan,
5. a council-approved social equity plan,
6. written policies for preventing diversion and misuse of cannabis and sales of cannabis to underage individuals, and
7. blueprints of the facility and all other DCP security requirements.

EFFECTIVE DATE: July 1, 2021

§ 150 — AGREEMENTS WITH TRIBES

Authorizes the governor to enter into agreements with the Mashantucket Pequot and Mohegan tribes regarding cannabis businesses and the adult use market; deems the agreements approved without further action by the legislature

The act authorizes the governor to enter into one or more memoranda of understanding or agreements, compacts, or amendments to existing compacts ("agreements") with the Mashantucket Pequot and Mohegan tribes to coordinate the administration and execution of the act's provisions with the tribes' laws and regulations on possessing, delivering, producing, processing, or using cannabis.

These tribal-state agreements may cover:

1. criminal and civil law enforcement; and
2. laws and regulations on (a) taxation and (b) possessing, delivering, producing, processing, or using cannabis.

Under the act, any agreement must:

3. preserve public health and safety;
4. ensure cannabis production, processing, testing, and retail facilities on tribal land are secure; and
5. regulate any business involving cannabis passing between the tribal nation's reservation and other areas in the state.

Under existing law, both houses of the legislature must approve a tribal-state compact (CGS § 3-6c). However, the act overrides this law and deems any above-described agreement (or renewal of one) approved once the governor enters into it, without further action by the legislature.
EFFECTIVE DATE: July 1, 2021

§ 151 — LEGISLATIVE COMMISSIONERS' OFFICE (LCO) TECHNICAL FIXES

Requires LCO to make any necessary technical fixes during codification

The act requires LCO to make any technical, grammatical, and punctuation changes necessary to carry out the act's purposes during its codification.
EFFECTIVE DATE: Upon passage

§ 152 — CONNECTICUT INNOVATIONS (CI) INVESTMENTS IN CANNABIS ESTABLISHMENTS

Authorizes CI to provide financial aid to, and make equity investments in, cannabis establishments

The act authorizes Connecticut Innovations, Inc. (CI) to provide financial aid to cannabis establishments, including making equity investments in these establishments.
EFFECTIVE DATE: July 1, 2021

§ 162 — HOME GROW

Starting in July 2023, allows individuals age 21 or older to grow up to three mature and three immature cannabis plants at home

The act allows any consumer (i.e., individual age 21 or older) to cultivate up to six cannabis plants in his or her primary residence (specifically, up to three mature and three immature plants), if the individual keeps the plants secure from anyone else. The act limits each household to growing no more than 12 cannabis plants at any given time.
EFFECTIVE DATE: July 1, 2023

§ 163 — PENALTY FOR SALES TO YOUNGER PERSONS

Makes it a class A misdemeanor for people age 23 or older to sell or give cannabis to people they know are underage

The act generally makes it a class A misdemeanor for someone age 23 or older to sell, deliver, or give cannabis to any person under age 21. This applies if the person knew, or should have known, that the recipient was underage.
EFFECTIVE DATE: October 1, 2021

§ 164 — OPM TRAFFIC STOP REPORT

Requires OPM's annual report on traffic stop data to include stops conducted on suspicion of DUI violations

Existing law requires OPM to, within available resources, review the prevalence and distribution of traffic stops and complaints reported to it and annually report the results to the governor and legislature. The act also requires this report to include stops conducted on suspicion of DUI violations.
EFFECTIVE DATE: Upon passage

§ 165 — DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION (DESPP) STUDY ON POLICE PHLEBOTOMY PROGRAM AND CANNABIS IMPAIRMENT TRAINING FACILITY

Requires DESPP to study the feasibility of establishing a phlebotomy program for police departments and a facility for cannabis impairment training

By January 1, 2022, the act requires DESPP to report to the governor and the Public Safety and Transportation committees on the merits and feasibility of establishing a (1) phlebotomy program for police departments in the state and (2) facility to train police officers on cannabis impairment symptoms.
EFFECTIVE DATE: Upon passage

BACKGROUND

Federal Controlled Substance Classification

Federal law classifies marijuana as a Schedule I controlled substance. Federal law generally prohibits anyone from knowingly or intentionally possessing, manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense Schedule I drugs. Licensed practitioners, including pharmacies, can use Schedule I substances in government-approved research projects. The penalty for violations varies depending on the quantity of drugs involved (21 U.S.C. §§ 812, 823 & 841 et seq.).